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SENATE JURISPRUDENCE COMMITTEE

HEARING ON REDISTRICTING

DALLAS, TEXAS

JULY 8, 2003

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BE IT REMEMBERED that the above-entitled hearing came on for hearing on the 8th day of July, 2003, A.D., beginning at 3:05 p.m. to 2:28 a.m. at the University of North Texas System Center at Dallas, 8915 South Hampton Road, Room 224, Dallas, Texas 75232, and the following proceedings were reported by Rachel D. Chavez, Certified Shorthand Reporter in and for the State of Texas.

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SENATE COMMITTEE

SENATOR ROBERT DUNCAN, CHAIRMAN

SENATOR MARIO GALLEGOS, JR.

SENATOR ROYCE WEST

SENATOR KIP AVERITT

SENATOR CHRIS HARRIS

SENATOR TODD STAPLES

SENATOR BOB DEUELL

SENATOR FLORENCE SHAPIRO

SENATOR LETICIA VAN DE PUTTE

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1 P R O C E E D I N G S

2 CHAIRMAN DUNCAN: The Senate Committee on  
3 jurisprudence will come to order. The clerk will call  
4 the roll.

5 THE CLERK: Senator Duncan.

6 CHAIRMAN DUNCAN: Here.

7 THE CLERK: Senator Gallegos.

8 SENATOR GALLEGOS: Here.

9 THE CLERK: Senator Averitt.

10 SENATOR AVERITT: Here.

11 THE CLERK: Senator Harris.

12 SENATOR HARRIS: Here.

13 THE CLERK: Senator West.

14 SENATOR WEST: Here.

15 THE CLERK: We have five.

16 CHAIRMAN DUNCAN: We have five members  
17 present, which establishes a quorum so the Committee  
18 will be in order to be -- to take testimony on  
19 senate -- or on the congressional redistricting.

20 First of all, let me start off by telling  
21 each and every one of you how pleased we are to be here  
22 to hear our testimony and we have -- this is our sixth  
23 appearance across the state and we're getting pretty  
24 good at conducting these meetings. And I think you'll  
25 find that you'll have an attentive audience up here on

1 the panel. I think you'll find that we'll be courteous  
2 to you and we hope that you can be courteous to us as  
3 well.

4 We do have a few things that we need to  
5 do by way of housekeeping before we get started. The  
6 first thing is we have an interpreter here today, and  
7 if the interpreter could approach. I think. We'll see  
8 staff -- we'll cover that in just a minute. Apparently  
9 the interpreter is not here yet.

10 The testimony today will be taken by all  
11 of -- will be taken by a court reporter, so all of your  
12 testimony will be typed up and be submitted to the  
13 Committee. We will have the testimony for the Senate  
14 and House if they want to look at it as well, available  
15 for review. We've ordered quick transcript so that we  
16 will have those transcripts when we go back to Austin.

17 For your information, we have held  
18 hearings in Laredo, Texas; San Angelo, Texas; McAllen,  
19 Texas; Houston, Texas; Corpus Christi. Today we're in  
20 Dallas and tomorrow we'll be in Waco and that will  
21 conclude our regional hearings. Then we'll return to  
22 Austin to deliberate on proposals for redis- -- for  
23 congressional redistricting.

24 On -- let me also cover a few matters  
25 that I think you'll be interested in before we get

1 started. On behalf of the Senate Jurisprudence  
2 Committee I want to thank all of you for taking the  
3 time to come here today to share your views with us.

4 Governor Perry has called the Texas  
5 legislature into special session to consider  
6 congressional redistricting. This is not a simple or  
7 casual task and it's one that we know people have  
8 strong feelings about. We want to hear what your views  
9 are on this important topic. These proceedings are  
10 being transcribed so that we can make them a part of  
11 the legislative record and can share them with the  
12 persons who are not here today.

13 As we consider this issue we are  
14 constrained by various legal requirements that you  
15 should be aware of. First, any plan we adopt must  
16 comply with the federal constitutional requirement of  
17 one person, one vote. If the 32 congressional  
18 districts are to be equal in size, they will need to  
19 have 651,619 persons each. We will need to draw the  
20 districts that will be at or very near that size.

21 Second, the State of Texas is covered by  
22 Section 5 of the Federal Voting Rights Act. As a  
23 result, we are obligated to be sure that any changes we  
24 make do not result in retrogression in minority voting  
25 stream. In other words, any plan drawn by the

1 legislature may not have the purpose or effect of  
2 worsening the position of minority voters when compared  
3 to the current plan, which was drawn in 2001 by a  
4 federal court.

5 Third, we need to be sure that any plan  
6 the legislature adopts ensures that minority voters do  
7 not have less opportunity than other members of the  
8 electorate to participate in the political process and  
9 to elect candidates of their choice.

10 Finally, we need to conform to the  
11 supreme court's repeated direction over the last ten  
12 years that redistricting not result in racial  
13 gerrymandering. In particular, we need to be sure that  
14 race is not the predominant force in the redistricting  
15 process to the subordination of traditional districting  
16 principles.

17 We have several members here. I think  
18 you'll find as we go through this process you'll hear  
19 that the Senate does not yet have a map. No member of  
20 this committee has been working on maps. We've been  
21 out traveling, listening, hearing, trying to determine  
22 what the voice of the people are. We have been -- we  
23 have I think truly been open and you'll find that we  
24 will be here and listen to your testimony. We will ask  
25 questions. We will be courteous to you and we ask the

1 same thing of you to us.

2                   We have members -- not only have we had a  
3 full quorum off our committee at every hearing  
4 throughout the entire hearing, but also we have had  
5 members -- other members of the Senate who have been  
6 interested in redistricting. Today, for example, we  
7 have Florence Shapiro from Plano who is also one of  
8 your Dallas area senators. Leticia Van de Putte from  
9 San Antonio. We've had other members present  
10 throughout the hearing process as we've gone across the  
11 State of Texas.

12                   With that, let me first open the floor up  
13 to the members of the Committee and then to the other  
14 members for an opening statement. Senator -- I'm  
15 trying to see. Senator Harris is the -- we go by  
16 seniority. Senator Harris just looks older than the  
17 rest of us.

18                   SENATOR HARRIS: I don't know that I like  
19 this, going back by seniority, Mr. Chairman.

20                   As the Chair has emphasized to all of  
21 you, we are here to listen and I have been inundated  
22 with the press up here wanting to know what I think of  
23 the House plan, what I think of this plan or that plan.  
24 I have not looked at any plans. And to my knowledge,  
25 no member of this committee has been looking at plans.

1 It's my belief that it is imperative that we get  
2 through the public hearing process, we hear from you,  
3 the citizens of Texas, what your likes and dislikes are  
4 and then in turn, and only after all the public  
5 hearings are over do we start looking at quote,  
6 unquote, maps. And again, I look forward to your all's  
7 input and I feel it will be very important on the  
8 message we take back to the rest of the senators.  
9 Thank you.

10 CHAIRMAN DUNCAN: Thank you Senator  
11 Harris. Vice Chairman Gallegos.

12 SENATOR GALLEGOS: Thank you. Thank you,  
13 Mr. Chairman. It's an honor and a pleasure to be here  
14 in Dallas.

15 Es un honor y placer para me estar aqui  
16 con ustedes aqui en Dallas. Yo me llamo Mario  
17 Gallegos. Yo soy el senador de Houston. Naci en un  
18 barrio chiquito ayi cerca de la boca del puerto de  
19 Houston que se dice Magnolia, el barrio de Magnolia.

20 Let me -- I just want to say that I'm the  
21 vice chair of this committee and it's an honor and a  
22 pleasure for me to be here to listen to you. I want to  
23 concur with my colleague, Senator Harris, that there is  
24 no map in the Texas Senate and -- I have not seen one.  
25 And as far as I'm concerned, whatever has been drawn in

1 the other House doesn't exist. (Applause by the  
2 audience.) And it doesn't exist because I feel that  
3 this Senate body, not only these -- these senators that  
4 sit on this committee, but the rest of my colleagues,  
5 need to hear your testimony before we even think about  
6 drawing a map if we have to go that far. And I think  
7 that -- (Applause by the audience.) And I think that  
8 you as -- you as Texans, whether you're Republican,  
9 Democrat, independent, whatever you -- party that you  
10 want to affiliate yourself with deserve that from us.  
11 And I can assure you that part of the -- the record  
12 that we've been doing in the cities that we've -- that  
13 we've held hearings is that I -- I have cautioned my  
14 colleagues about any type of retrogression, any type of  
15 violations of the Voting Rights Act, any type of  
16 dilution of minority voting rights. In particular what  
17 I read in the paper on that -- on that so-called map  
18 that was passed yesterday. Let me assure you that I  
19 will vigorously oppose any type of retrogression that  
20 violates any -- any part, in form or fashion, of the  
21 Voting Rights Act that was passed several years ago.  
22 (Applause by the audience.)

23 Y tambien yo estoy aqui para oir sus  
24 ideas, quejas, cualquier cosa que quieres hablar en  
25 esta tema de redistricting.

1                   I want to -- I want to tell you that  
2 we're here to listen, whether you have -- whether  
3 you're for, against, or any recommendations that you  
4 have on redistricting that we're here to hear you. And  
5 I'm a little disappointed because this is a larger  
6 crowd than Houston, my home town. I had a bet going  
7 with the chairman that we would be the largest crowd,  
8 but obviously y'all have -- y'all have stolen the show.  
9 So (applause by the audience) on my behalf, welcome.

10                   CHAIRMAN DUNCAN: Thank you, Senator  
11 Gallegos.

12                   Whenever we were considering where to go  
13 for hearings we looked at where the House was going and  
14 other things and I spoke with Senator West and he  
15 insisted that we have a hearing in Dallas, Texas, and  
16 I'm glad he did. And we're here today because of  
17 Senator West and also Senator Shapiro who felt like it  
18 was important for us to be here, to have a hearing in  
19 Dallas, Texas. So, Senator West, thank you for that  
20 and let me recognize you to welcome this great crowd.

21                   SENATOR WEST: Thank you. Senator  
22 Duncan, and other colleagues of the Senate, welcome to  
23 the 23rd Senatorial District. (Applause by the  
24 audience.)

25                   You know, it's not too often that we get

1 seven senators in the 23rd Senatorial District at one  
2 time. So needless to say, this a very important issue.

3 Anyone that knows me knows that I'm kind  
4 of a cut-to-the-chase guy. All of those that are  
5 against --

6 UNIDENTIFIED SPEAKER: We can't hear you  
7 back here.

8 SENATOR WEST: Oh, that's the first. Can  
9 you hear me now?

10 AUDIENCE: Yes.

11 SENATOR WEST: You know, I'm kind of a  
12 cut-to-the-chase guy. Now, all of you that are against  
13 redistricting, stand up. If you're against  
14 redistricting. (Applause by the audience.)

15 All right. You can -- you can sit down  
16 now. So, you know, let it be noted. All of those that  
17 are for redistricting just raise your hands, that are  
18 for redistricting. (Audience complies.)

19 Okay. That's fine. That's fine. But  
20 let it be noted that over 98 percent of the people in  
21 this room, we're not talking about the people outside,  
22 that they are against redistricting. Let that be noted  
23 by the media. (Applause by the audience.)

24 Secondly -- secondly, I've also -- I've  
25 also asked the chairman this on a previous occasion and

1 I know that we're going back to Austin to deliberate,  
2 and I said it earlier, Tom DeLay has been identified as  
3 the poster child for redistricting, but we have not  
4 heard from Tom DeLay about his position on  
5 redistricting. I think it appropriate, because we've  
6 had other congressional members to testify on  
7 redistricting, that Tom DeLay be invited to testify  
8 before this committee concerning redistricting.  
9 (Applause by the audience.)

10 I know everyone wants an opportunity to  
11 testify today. I encourage you to do so. Be as  
12 succinct as you can so we can allow other persons to  
13 testify. And lastly, you know, I'm proud -- I'm proud  
14 of you because realistically I thought that this  
15 particular room would hold all of the persons that  
16 wanted to testify. Obviously I was wrong and I'm glad  
17 I was wrong about this particular issue. Thanks for  
18 being here. (Applause by the audience.)

19 CHAIRMAN DUNCAN: Thank you, Senator  
20 West.

21 Senator Averitt.

22 SENATOR AVERITT: Thank you,  
23 Mr. Chairman. It's an honor for me to be in the Dallas  
24 area today. My district is just -- starts just a few  
25 miles south of here at the county line and I'm proud to

1 be here with you today. I'm especially proud that  
2 y'all are here. It's important for you to be here.  
3 It's important for this committee to hear your  
4 concerns. We hope that we will get some constructive  
5 comments from the folks here in Dallas County so that  
6 the Committee can do our work in an informed fashion.  
7 It's important that we hear your opinions. And I can  
8 assure you that this committee is listening. We're not  
9 just sitting here hearing. We are listening. We've  
10 had a great response around the state. We've got  
11 several good constructive comments, and that's the type  
12 of input that we're looking for. We're proud that  
13 you're here and we're anxious to hear your testimony  
14 and I look forward to hearing the comments that this  
15 really outstanding crowd I'm sure has to offer. So  
16 thank you very much for having us. (Applause by the  
17 audience.)

18 CHAIRMAN DUNCAN: Thank you, Senator  
19 Averitt.

20 We have two other members of the  
21 Committee who couldn't be here today, Senator Lucio who  
22 is recovering from an episode with a heart attack and  
23 he couldn't be here with us today. Also Senator Todd  
24 Staples had a previous commitment that he couldn't get  
25 out of. He was put on this committee late and already

1 had an engagement that he couldn't get out of, so they  
2 send regrets; otherwise, they would be here.

3 Dallas, Texas is fortunate to have one of  
4 the finest delegations, Senator Gallegos, don't you  
5 think, with regard to metropolitan areas? They -- they  
6 rival only with the -- with the San Antonio and Houston  
7 metroplexes, but we're real proud to have Florence  
8 Shapiro who is a very strong advocate for the  
9 metroplex area and one of the strongest leaders in the  
10 Senate. Senator Shapiro.

11 SENATOR SHAPIRO: Thank you very much,  
12 Mr. Chairman. (Applause by the audience.)

13 I'll try to be as loud as I can. Can you  
14 hear me? Good. First, I'd like to say to the members  
15 of this committee, thank you. Thank you for your  
16 steadfastness, for the fact that you have done yeoman's  
17 work going from community to community and listening  
18 hours on end to the citizens. And so I think the  
19 Committee members deserve a very large round of  
20 applause. (Applause by the audience.)

21 Secondly, I would like to say that this  
22 is a very important process. And I use the word  
23 "process" because that's what this is. This is not the  
24 first nor the last of these hearings. And it is the  
25 beginning of a process. Many of my colleagues before

1 me mentioned that they have never seen a map. I've  
2 seen one in the newspaper and that's it. That's the  
3 only map that I have seen drawn. That is not  
4 necessarily a map that we as the Senate are just going  
5 to take and rubber stamp. I assure you we are very  
6 independent thinkers in the Texas Senate. (Applause by  
7 the audience.) I will also -- I will also tell you  
8 that the House members did yeoman's work by going from  
9 city to city. And this is, as I said, a process. We  
10 are a bicameral form of government, two different  
11 bodies that come together in the capitol. They have  
12 finished their process and now we are working on ours.

13 I am very hopeful that today this process  
14 will yield honesty, integrity, fairness, and  
15 respectfulness. I -- I ask each of you, no matter what  
16 party you're in, no matter what part of the metroplex  
17 you're from, let's respect one another. It is very,  
18 very important that we send that message to the  
19 citizens of the metroplex, that we are respectful of  
20 one another's ideas, thoughts and concerns.

21 I'd also like to say to each and every  
22 one of you, the citizens that have come here today,  
23 thank you. Thank you for your input. Thank you for  
24 your ideas. Thank you for giving us some information  
25 that will help us in this process. And from all of

1 you, thank you for being here. We are one metroplex  
2 and we are united in one thing, we want to do what's  
3 right for the citizens of this area, as well as the  
4 rest of the State of Texas.

5 So I'd just like to say to all of you,  
6 thank you for being here. Please be patient. I know  
7 some of you are going to be standing for a while, but I  
8 just wanted to say that I really appreciate the  
9 opportunity to be here to share this day with you and  
10 to tell you this is a process and we will complete the  
11 process in due time. Thank you very much.

12 CHAIRMAN DUNCAN: Thank you, Senator  
13 Shapiro. Thanks for being one of our hosts today. I  
14 would -- Senator Leticia Van de Putte is not on the  
15 Committee, but she has been, I think, to nearly every  
16 hearing, other than, what? I think you've missed only  
17 one.

18 SENATOR VAN DE PUTTE: That's correct.

19 CHAIRMAN DUNCAN: And she's always -- I  
20 think what you see up here on this panel is a group of  
21 folks. We don't always agree on the issues, but we  
22 respect each other and we -- we'll certainly debate  
23 very heatedly, but we try to understand each other in  
24 the process.

25 Senator Van de Putte, would you please

1 make an opening statement?

2 SENATOR VAN DE PUTTE: Thank you,  
3 Mr. Chairman.

4 As a senator from San Antonio, I have to  
5 tell you that during the NBA finals we had a great  
6 rivalry and we knew that it was going to be a Texas  
7 team. I'm reminded that Senator West, Senator Shapiro  
8 and the metroplex delegation said congratulations to  
9 the San Antonio Chapparels many, many times over.

10 SENATOR WEST: Chapparels, the Dallas  
11 Chapparels.

12 SENATOR VAN DE PUTTE: We have many, many  
13 things in common. And I think that part of that is we  
14 have seen through our travels through this state is  
15 that you care and that this is an issue that is so  
16 important that you would leave work, that you would get  
17 someone else to take care of the kids, that you would  
18 get someone else to take care of your grandparents. I  
19 know a lot of you take care of grandparents or  
20 grandparents that take care of grand kids, that you  
21 have made other arrangements today to come be part of  
22 this process. And as a Texan that makes me very proud.  
23 The worst thing that could happen in a representative  
24 democracy is if you let us, your legislators, work in a  
25 vacuum. I want to say congratulations to all of the

1 people here today. This is a magnificent crowd and  
2 shows us that you deeply care. You care about your  
3 neighborhoods. You care about your families and you  
4 care about this state. We are open, we are looking for  
5 your constructive testimony, and we will stay here as  
6 long as the citizens in the metroplex want to give us  
7 your opinion. Thank you.

8 CHAIRMAN DUNCAN: Thank you,  
9 Senator Van de Putte. Let me go back to the first part  
10 of the meeting where I wanted to introduce to you our  
11 interpreter.

12 Would Lyda Baro, would you please stand  
13 and would you also come to the stand and explain in  
14 Spanish and in English your interpreting services and  
15 how people can access that here today?

16 INTERPRETER BARO: Yes. Good afternoon.  
17 Would you like me to do it in English first and then  
18 Spanish?

19 CHAIRMAN DUNCAN: That's fine.

20 INTERPRETER BARO: Okay. The interpreter  
21 will interpret either in simultaneous mode or probably  
22 consecutive, it might be a little clearer, just so that  
23 we have enough time to render in the other language.  
24 When the speakers come up, if they will just give me  
25 some time to translate what is being said, then I'll do

1 that with them.

2                   Para los que hablen en Espanol, yo voy a  
3 ser su interprete hoy dia. Ustedes pueden hacer las  
4 preguntas que quieran, pero por favor, den suficiente  
5 tiempo para que el interprete pueda hacer la  
6 interpretacion al otra idioma.

7                   CHAIRMAN DUNCAN: Thank you. And please  
8 feel comfortable to call on the interpreter to help you  
9 if you -- if you would desire those services.

10                   We also, as I explained earlier, our  
11 meeting will be -- is being transcribed. Our court  
12 reporter today is Rachel Chavez. Ms. Chavez, she can't  
13 raise her hand because she can't type, but because we  
14 have a court reporter, and I think this has worked well  
15 in all of our meetings, we do take breaks to give the  
16 court reporter a little bit of a break. And that  
17 really becomes important as we get on into the evening  
18 hours. So we will take a break every one and a half  
19 hours, we'll take about a 15-minute break. And I think  
20 you'll find that it's -- those are refreshing for you  
21 and we find that they're refreshing for us too as well.

22                   Members, as we all know, going throughout  
23 the state, I think one of the things that the audience  
24 has appreciated is the fact that we do set time limits  
25 on our testimony. Otherwise, many of you may not be

1 heard because some people like to talk longer than  
2 others. And so what we have found that works  
3 throughout our other hearings is a five-minute time  
4 limit. That will apply to all speakers, elected  
5 officials, protocol speakers, anyone who wants to speak  
6 before the Committee will be limited to five minutes.

7 I will entertain a motion at that time --  
8 at this time for that limit.

9 SENATOR WEST: (Indicating.)

10 CHAIRMAN DUNCAN: Senator West moves that  
11 the Senate Jurisprudence Committee redistricting  
12 hearing in Dallas, Texas be -- that the testimony be  
13 timed and limited to five minutes.

14 The clerk will call the roll.

15 THE CLERK: Senator Duncan.

16 CHAIRMAN DUNCAN: Aye.

17 THE CLERK: Senator Gallegos.

18 SENATOR GALLEGOS Aye.

19 THE CLERK: Senator Averitt.

20 SENATOR AVERITT: Aye.

21 THE CLERK: Senator Harris.

22 SENATOR HARRIS: Aye.

23 THE CLERK: Senator West.

24 SENATOR WEST: Aye. We've got five.

25 CHAIRMAN DUNCAN: There being five ayes

1 and no nays, the motion carries. The testimony will be  
2 limited. Now -- oh, yeah. One thing is you and I will  
3 all work together. I'm holding up my phone, and if you  
4 have a phone, would you please hold it up, and turn it  
5 off? (Applause by the audience.) Okay. We will ask  
6 you to leave if your phone goes off. It just -- it  
7 really does -- if you've ever been in a hearing, the  
8 phones really do take away from the person who's  
9 speaking, so we would appreciate those phones going  
10 off.

11 The timing, we will call our elected  
12 officials up, but I will say this, and we will -- we  
13 will enforce our time limits. So whenever your time  
14 has expired, a beeper will go off and I will hold your  
15 card up and it's time to wrap up. If you don't wrap  
16 up, I'll be nice at first, but I get cranky as you get  
17 a little bit longer. And the whole purpose is, get up  
18 here and make your point and make your best shot first  
19 so that we can get that and -- and remember your best  
20 shot. That's the -- that's the best advice I can give  
21 you.

22 Okay. Members, are you ready for  
23 testimony?

24 All right. The Chair -- all right. The  
25 Chair calls Mayor Pro Tem John Loza. Mr. Loza, would

1 you please approach?

2 CHAIRMAN DUNCAN: Give a welcoming --

3 MR. JOHN LOZA: Mr. Chairman, Members of  
4 the Committee, I do want to, on behalf of the City of  
5 Dallas, welcome you to our city and appreciate your  
6 attendance and appreciate your willingness to have a  
7 hearing here in our fair city today.

8 I am not going to speak on -- as my -- in  
9 my official capacity as mayor pro tem. I am going to  
10 speak, however, as a citizen of this state and as a  
11 representative for 85,000 people who live within the  
12 City of Dallas. And I'm going to speak in that  
13 capacity, and in so doing I'm going to -- I did not  
14 prepare remarks for you today. I'm going to speak from  
15 the heart as best I can, but I want to speak to you to  
16 urge you not to change the congressional district  
17 boundaries that are already in effect here in the State  
18 of Texas. (Applause by the audience.)

19 I represent a predominantly working class  
20 Latino district here in the City of Dallas. And the  
21 Latino community in particular wants the right to elect  
22 representatives of its own choosing, representatives  
23 such as Representative Martin Frost. (Applause by the  
24 audience.) And I can assure you, Members of the  
25 Committee, that we will as a community be vigilant to

1 make sure that our rights are protected to make sure  
2 that our voice is heard. But I also want to speak to  
3 you, being -- as a City official I have to admit to you  
4 also that the fact that this process is costing the  
5 State of Texas \$1.7 million to me is extremely  
6 offensive. (Applause by the audience.) At a time when  
7 my city and at a time when almost every major city in  
8 this state is facing a budget shortfall, the idea that  
9 we're spending \$1.7 million on this redistricting issue  
10 is utterly ridiculous because that money could be put  
11 to so much better use. (Applause by the audience.)

12                   When I think of all the police officers  
13 and fire fighters and teachers and children and all  
14 those others that could benefit (applause by the  
15 audience) from that \$1.7 million, it makes this process  
16 even more of a mockery than it is right now. And I  
17 want to tell you -- I want to tell you that there's  
18 just so much else that could be done, so many other  
19 issues that need to be discussed. And I heard earlier  
20 today something that I thought was really disturbing.  
21 I heard that if this session does not result in some  
22 kind of redistricting bill, that you'll be called back  
23 into another session. And what that means, what that  
24 certainly could mean is that even more money will be  
25 spent on this needless process.

1                   Senators, I appreciate the hard work that  
2 you're doing. I appreciate the fact that you're here  
3 today willing to listen to all of these people that are  
4 willing to speak to you. And I appreciate all of your  
5 efforts, but I want to tell you, I want to ask you to  
6 respect the will not just of some people but all of the  
7 people of the State of Texas. And in so doing, I urge  
8 you to keep the boundaries as they are right now.

9                   And I'll be glad to answer any questions  
10 that you may have.

11                   CHAIRMAN DUNCAN: Thank you,  
12 Mayor Pro Tem. Members, are there any questions of  
13 Mayor Pro Tem Loza?

14                   All right. Thank you for your testimony.

15                   MR. JOHN LOZA: Thank you.

16                   CHAIRMAN DUNCAN: Chair recognizes  
17 Congressman Martin Frost. (Applause by the audience.)

18                   CONGRESSMAN FROST: Mr. Chairman, I have  
19 a full statement that I'll submit from the record, but  
20 I will try and summarize it as best I can. I'm  
21 appearing before you today in my capacity as dean of  
22 the Texas delegation and as congressman from the 24th  
23 congressional district. This is the first time in my  
24 25 years in Congress that I have testified before a  
25 committee of the Texas legislature either on

1 redistricting or on any other subject. It is my  
2 request that the Texas State Senate take the  
3 opportunity to exercise leadership in Austin at this  
4 critical moment for our state's history. By that I  
5 mean, you should put an end to this divisive effort  
6 to redraw our state's congressional district.

7 (Applause by the audience.)

8 Texas has a long history of a strong  
9 bipartisan delegation in Washington that works together  
10 on vital matters for our state. Congressman DeLay's  
11 efforts to force the Texas State Legislature to redraw  
12 districts in the middle of the decade threatens to  
13 destroy the bipartisan sense of cooperation that has  
14 benefitted our state for these many years.

15 The current congressional map drawn by a  
16 three-judge court and approved by the United States  
17 Supreme Court is fair to both parties. Under this map,  
18 17 Democrats and 15 Republicans were elected in 2002.  
19 However, the underlying districts from which they were  
20 elected really favor the Republicans in 20 of these  
21 districts, and the Democrats in only 12 of the  
22 districts. Of the 17 Democrats elected in 2002, only  
23 12 came from Democratic districts. The remaining five  
24 came from districts that lean heavily Republican and  
25 that the entire statewide Republican ticket carried.

1 And that the voters of those districts consciously  
2 chose to split their tickets and vote for conservative  
3 Democrats for Congress while voting for Republicans for  
4 all other statewide office. These conservative  
5 Democrats elected from the five districts are my  
6 colleague Max Sandlin, who is here today and will be  
7 testifying from the 1st district, Jim Turner from the  
8 2nd district, Ralph Hall from the 4th district, Chet  
9 Edwards the 11th district and Charlie Stenholm from the  
10 17th district.

11 What Tom DeLay is asking you to do is not  
12 to draw districts that Republicans can win, but to draw  
13 districts that Republicans cannot lose.  
14 (Applause by the audience.) And in doing so he is  
15 asking you to draw districts that horribly discriminate  
16 against our state's rural areas by turning current  
17 competitive rural districts into ones that will be  
18 dominated by urban and suburban voters and draw  
19 districts that submerge minority voters into Republican  
20 districts in violation of the U.S. Supreme Court's  
21 recent decision.

22 It is -- it is time for the 31 members of  
23 the Senate to take a stand for sanity and order. And  
24 to quote a famous slogan from World War II that -- I  
25 was very young during World War II, but I actually

1 remember this slogan about gas rationing. The slogan  
2 was "Is this trip necessary?" (Applause by the  
3 audience.)

4 Of the Democrats that win in heavily  
5 Republican districts that Tom DeLay would eliminate, I  
6 want to tell you about these Democrats. They are the  
7 ranking member on the House agriculture committee  
8 Charlie Stenholm, who would be replaced by a member  
9 from Minnesota. The ranking member on the powerful  
10 appropriation subcommittee on military construction,  
11 Chet Edwards who would be replaced by a member from  
12 California. The ranking member of the House science  
13 committee Ralph Hall, who will be replaced by a member  
14 from Tennessee. And the ranking member of the select  
15 committee on homeland security Jim Turner, who would be  
16 replaced by a member from Mississippi. Now, that's not  
17 in the best interest of Texas. (Applause by the  
18 audience.)

19 Mr. Chairman, I'd like to take a moment  
20 to talk about my own district. Ever since its creation  
21 in 1971, following the 1970 census, the 24th district  
22 has contained a significant concentration of minority  
23 voters. During the 1970s and the 1980s those minority  
24 voters were primarily African-American. And during the  
25 1990s to the current time, those voters have been both

1 African-American and Hispanic. The current 24th  
2 district is 22 percent African-American and 38 percent  
3 Hispanic. Minority voters in the 24th district for  
4 more than two decades have been the controlling voice  
5 and determine who should win the primary and who should  
6 win the general election.

7                   During the time I represented the 24th  
8 district, there have been at least three elections  
9 where I have lost the white vote, but carried the  
10 minority vote by a heavy enough margin to win the  
11 election. The first time -- (Applause by the  
12 audience.) The first time was my initial general  
13 election victory in 1978--I'll conclude very  
14 quickly--when the African-American votes won the  
15 election. The second time was in 1984 when I lost the  
16 white vote by 5,000 votes and carried the  
17 African-American vote by almost 40,000. (Applause by  
18 the audience.) The final time was in 1994, the  
19 Republican landslide election when I -- when I  
20 virtually lost all the white majority portions of my  
21 district, but carried the African-American vote in Fort  
22 Worth and the Hispanic vote in Oak Cliff by a  
23 significant enough margin to win with 53 percent.

24                   Clearly minority voters, African-American  
25 and Hispanic in the 24th district determine the

1 outcome.

2 Mr. Chairman, I have a much longer  
3 statement which I am going to submit for the record. I  
4 ask -- I ask -- I ask the State Senate to do the right  
5 thing, to do the right thing. (Applause by the  
6 audience.) And to -- and to put an end to this  
7 partisan power grab by colleague Mr. DeLay.

8 CHAIRMAN DUNCAN: We appreciate your  
9 testimony. I'm sure there's questions. Members, any  
10 questions?

11 SENATOR GALLEGOS: (Indicating.)

12 CHAIRMAN DUNCAN: Senator Gallegos.

13 SENATOR GALLEGOS: Congressman, on the  
14 seniority list that you told us you went down the -- I  
15 think one was agricultural, the other one was science,  
16 what were the other?

17 CONGRESSMAN FROST: Homeland security and  
18 military construction, which is particularly important  
19 because we're going to have another round of base  
20 closings that could affect a lot of Texas bases.

21 SENATOR GALLEGOS: All right. Let me --  
22 let me ask you for the benefit of the crowd and to  
23 benefit me what that means in terms of when an issue --  
24 what that means in terms -- in terms of issues that are  
25 on the table with these senators -- with these Congress

1 persons that you -- that you mentioned on benefits  
2 affecting their districts. So what -- what you're  
3 telling me and to the people here in the audience is  
4 that if they lose those Congress persons, they  
5 basically lose a place at the front line of the table  
6 where benefits that they're receiving now could --  
7 could basically disappear in a matter of an election.

8                   CONGRESSMAN FROST: Well, let me, if I  
9 could, Senator, let me cite one very classic example.  
10 Agriculture remains one of the most important parts of  
11 the Texas economy. At the beginning of this Congress  
12 there were two Texans on the agriculture committee,  
13 Larry Combest and Charlie Stenholm. Larry Combest from  
14 Lubbock was the chairman and he, for personal reasons,  
15 resigned from the Congress. That left only Charlie  
16 Stenholm on the agricultural committee. Charlie  
17 Stenholm is the top ranking Democrat. Agricultural  
18 policy is often done on a bipartisan basis and if  
19 Charlie Stenholm is not there as the top ranking  
20 Democrat, there will be no one to speak for Texas  
21 farmers and for rural interest. No one. (Applause by  
22 the audience.)

23                   SENATOR GALLEGOS: That's on seniority.  
24 Let me ask you a question. During the legislative  
25 redistricting board when we were talking about Senate

1 and House lines there was a situation dealing with  
2 Senate District 15 in Houston, Texas that basically  
3 mirrors your congressional district. On transcripts  
4 that we have found that are on the website is that  
5 basically that Senate District 15 mirrors your 24th  
6 here in Dallas. Senate District 15 is represented by  
7 Senator Whitmire in Houston. And on transcripts and  
8 basically testimony that was transcribed by a court  
9 reporter, that -- that the attorney general then, now  
10 U.S. Senator John Cornyn, had gone to Washington and  
11 basically was told by the Department of Justice that he  
12 would -- that the LRB, the Legislative Redistricting  
13 board, would receive probably an objection if they were  
14 to in any way regress Senate District 15, which mirrors  
15 your congressional 24th. And basically, is that -- is  
16 that your -- what you --

17 CONGRESSMAN FROST: I'm not familiar with  
18 the testimony before the LRB, but certainly from what  
19 I've been told by lawyers who have looked at this for  
20 many years, that my current district is counting the  
21 Asian population, which is 5 percent is 65 percent  
22 minority and would appear to be protected by the Voting  
23 Rights Act.

24 Let me add, if I may, it's my  
25 understanding that the court plan that was ordered by

1 the federal judges made up of one Republican, two  
2 Democrats, ordered unanimously, was basically the plan  
3 that Attorney General Cornyn--he was the attorney  
4 general at that time--submitted to the court. That the  
5 court took the basic plan that Attorney General Cornyn  
6 submitted when it drew the congressional district  
7 lines. And so I assume that if he was taking that  
8 position as to the Senate district that you've  
9 described in Houston, he must also have been taking  
10 that position as to the congressional district that I  
11 represent because that's how the court drew it.

12                   SENATOR GALLEGOS: As a result of what he  
13 was told in Washington it came back, and now the  
14 lieutenant governor, then Commissioner Dewhurst, added  
15 an amendment to preserve Senate District 15 just as  
16 what we hear that was tried and dismantled, your 24th  
17 over in the House.

18                   Dealing with the new -- the new supreme  
19 court ruling on Georgia v. Ashcroft when you were  
20 talking about the diluting of minorities in rural  
21 areas, is it -- and I have not seen the House map. I  
22 have not seen any map, to tell you the truth. I  
23 have -- would that -- would the map that was passed, if  
24 you saw it -- I have not seen it. We didn't -- we  
25 didn't get through in Corpus till midnight last night.

1 I have not seen it. Would that -- would that violate  
2 Ashcroft and Georgia case?

3 CONGRESSMAN FROST: Senator, I'm an  
4 attorney, however, I don't consider myself an expert on  
5 this matter. And you will have to -- you have, of  
6 course, adequate counsel here who advise you. My  
7 reading of that case is that those are minority  
8 influenced districts and that what the State House  
9 tried to do and did in their plan, was to submerge  
10 those minority voters in districts that would be drawn  
11 into the suburbs of Dallas and Houston. And,  
12 therefore, not only destroy the rural character of many  
13 of those districts, but also submerge those minority  
14 voters in districts where they would have no effective  
15 voice because they would be outvoted by suburban voters  
16 from Dallas and Houston.

17 SENATOR GALLEGOS: And just for the  
18 benefit of the crowd, the minority -- the minorities in  
19 your districts, the 24th, elected you in these last  
20 three elections --

21 CONGRESSMAN FROST: They've elected me in  
22 13 elections, but they were the critical factor in at  
23 least three of --

24 SENATOR GALLEGOS: In the last two  
25 elections, okay. And I just -- for the benefit of the

1 crowd, in the last -- in the last elections, those in  
2 congressional 29th, my congressional district have  
3 elected also -- the majority being Hispanic, have  
4 elected an Anglo Democrat also to represent them in  
5 Congress. And I want -- for the benefit of the crowd,  
6 I want you to tell them -- to let them know that we --  
7 the Hispanic population in the congressional district  
8 in 29th basically have the power to say who goes and  
9 who doesn't go to Washington to represent them. And I  
10 think that's -- that's what we're seeing here trying to  
11 be diluted across the board.

12 CONGRESSMAN FROST: Senator, if I may, I  
13 want to make it very clear to the Committee. I am not  
14 here just speaking about my own district or about  
15 myself. I'm really here speaking on behalf of the  
16 people that I represent and also on behalf -- as dean  
17 of the delegation, on behalf of all the districts  
18 across the state. And a fair plan -- (applause by the  
19 audience) a fair plan, I believe, by its nature,  
20 preserves the influence of minorities across the state,  
21 not just in my district. And I would hope that we  
22 would not have retrogression where minorities across  
23 the state would lose the influence that they have.

24 SENATOR GALLEGOS: And one final  
25 question. The congressional districts in question that

1 you said per index were Republican and voted for a  
2 Republican president and voted for Republican statewide  
3 elected officials, but yet chose to decide that their  
4 congressional representative be a Democrat, is that --  
5 is that what you're saying that they -- even though  
6 they voted for a Republican for president, voted  
7 Republican statewide offices, they chose --

8 CONGRESSMAN FROST: No, no --

9 SENATOR GALLEGOS: I'm talking about the  
10 majority, the index.

11 CONGRESSMAN FROST: He's talking -- he's  
12 talking about the districts in East Texas and in  
13 Central Texas and West Texas and that's an accurate --  
14 that's accurate characterization.

15 SENATOR GALLEGOS: I'm not saying y'all.  
16 I'm not saying y'all.

17 CONGRESSMAN FROST: Yeah. That's an  
18 accurate characterization, yes.

19 SENATOR GALLEGOS: And even though --  
20 even though they chose to vote somewhere else in those  
21 higher offices, they chose to vote for a Democrat as  
22 their congressional person; is that --

23 CONGRESSMAN FROST: And, Senator, if I  
24 may, I think one of the reasons that they would have  
25 chosen for a Democrat in Congress is that Congress

1 affects their daily lives in ways -- we vote on minimum  
2 wage legislation. We vote on Medicare. We vote on  
3 things that affect peoples' daily lives, whereas -- and  
4 so they clearly wanted -- it's clear that the people in  
5 those districts wanted a Democrat to be -- to speak for  
6 them on those kind of issues.

7                   SENATOR GALLEGOS: Thank you,  
8 Congressman.

9                   CHAIRMAN DUNCAN: Thank you, Senator  
10 Gallegos. Other questions?

11                   SENATOR AVERITT: Just one.

12                   CHAIRMAN DUNCAN: Senator Averitt.

13                   SENATOR AVERITT: Thank you, Mr.  
14 Chairman. Congressman Frost, I think earlier you said  
15 that your district was 65 percent minority?

16                   CONGRESSMAN FROST: That's correct.

17                   SENATOR AVERITT: In your opinion, for  
18 your district in particular, would you say that that is  
19 a minimum level in which to maintain a minority  
20 opportunity?

21                   CONGRESSMAN FROST: Well, Senator, again,  
22 I hate to be giving legal opinion since you have your  
23 own legal counsel here, but I can just tell you that  
24 it's -- I don't think you can establish a minimum  
25 level, quite frankly, for every single district. I can

1 tell you that that is the current level in my district  
2 and it is has been an effective minority district at  
3 that level. I think the -- but you have to rely on  
4 your legal counsel and I'm not -- I'm not here to try  
5 and tell you what the law is on specific districts.  
6 I'm only trying to tell you what I think you should  
7 approach from a general sense of fairness --

8 SENATOR AVERITT: I understand --

9 CONGRESSMAN FROST: -- and in trying  
10 to --

11 SENATOR AVERITT: -- and respect that.

12 CONGRESSMAN FROST: -- recognize the  
13 interest of the people of this state. And, Senator, I  
14 know that the district that you represent would be very  
15 much fractured under the House plan. And I know that  
16 the part of the state that Senator Duncan represents  
17 would also be very fractured under that plan. And so I  
18 would hope that we would all come together and just  
19 decide that this is -- that what we have now is  
20 basically fair. (Applause by the audience.)

21 CHAIRMAN DUNCAN: Okay. Members, any  
22 other questions?

23 All right. Thank you, Congressman.

24 CONGRESSMAN FROST: Thank you.

25 CHAIRMAN DUNCAN: I think that's it.

1                   CONGRESSMAN FROST: Okay. Well, thank  
2 you very much for your courtesy.

3                   CHAIRMAN DUNCAN: Thank you for yours.  
4 (Applause by the audience.)

5                   Chair recognizes Congressman Max Sandlin.  
6 Yes, go on ahead, Congressman.

7                   CONGRESSMAN SANDLIN: Thank you,  
8 Mr. Chairman, and thank you to all the folks from Texas  
9 who came to this hearing today. We appreciate your  
10 support and appreciate your interest in this important  
11 issue before us today.

12                   In beginning, Mr. Chairman, I'd like to  
13 present to you for the record and I won't read, in the  
14 interest of time, all of them, but various resolutions  
15 from cities and counties throughout my district  
16 opposing redistricting. I also have from Bowie County,  
17 Texas alone 537 names on a petition opposing  
18 Redistricting. I'd also like you to take note of the  
19 500 people that appeared in Nacogdoches week before  
20 last, or really Saturday week. All were opposed to  
21 redistricting except four or five that testified in  
22 favor. And also, we had 160 plus letters that we put  
23 in the record in Nacogdoches in opposition.

24                   SENATOR HARRIS: Mr. Chairman.

25                   CHAIRMAN DUNCAN: Senator Harris.

1                   SENATOR HARRIS: I did not hear the -- to  
2 keep the record straight, I did not here the witness  
3 state his name for --

4                   CHAIRMAN DUNCAN: Congressman, I should  
5 have reminded you earlier. If you'd state just for the  
6 record, state your name and your congressional  
7 district.

8                   CONGRESSMAN SANDLIN: Yes, sir. Max  
9 Sandlin, 1st Congressional District, Northeast Texas.  
10 Thank you.

11                   Thank you again and -- (Applause by the  
12 audience.)

13                   CHAIRMAN DUNCAN: That doesn't mean you  
14 get to start over, but --

15                   CONGRESSMAN SANDLIN: Must be my folks.  
16 Thank you. Thank you.

17                   But welcome to North Texas. And I  
18 understand you have several hearings scheduled across  
19 the state and we have none of those in East Texas. So  
20 initially let me say, we would welcome you to come to  
21 East Texas and I'll be glad to have you sit up here in  
22 East Texas to take testimony, but since you did not  
23 come, I would ask that the record of testimony in the  
24 hearings in other parts of the state be made a part of  
25 the record of the Senate hearing here today.

1 Particularly the hearing we had a week ago Saturday in  
2 Nacogdoches and I'd ask that that be incorporated at  
3 this point so that the Senate can consider that  
4 testimony.

5                   Finally, I would like to ask the  
6 Committee to take note of Rule 14 of the rules of the  
7 Texas State House and Rule 1118 of the Texas Senate and  
8 also the U.S. Supreme Court case of Georgia v.  
9 Ashcroft, et al., decided June 26th, 2003 and I ask  
10 that those rules and this case be incorporated at this  
11 point into the record as part of my comments as fully  
12 as if they were copied verbatim.

13                   Mr. Chairman, Texas and the Texas Senate,  
14 and particularly East Texans where I come from have a  
15 reputation of fierce independence for rising above the  
16 political phrase to do what's right for our state and  
17 what's right for our nation. We're here today to ask  
18 you to exercise that independence and to join with us  
19 to reject the partisan dictates of Tom DeLay and his  
20 partisans in Washington D.C. (Applause by the  
21 audience.) And to protect -- protect our  
22 communities -- protect our communities in Texas.

23                   On behalf of my constituents I'd like to  
24 mention several areas of concern, including the process  
25 of redistricting, our current map and representation,

1 proposed maps, minority interest, minority influence  
2 districts, legislative positions of power for minority  
3 voters' representatives of choice and other matters.

4 First on process I was very interested,  
5 Mr. Chairman, in listening to the governor's  
6 proclamation. I'm sure that you join me in wishing  
7 that the governor had a better understanding of the law  
8 because (applause by the audience) -- because as you  
9 know,

10 Mr. Chairman, the law requires reapportionment and  
11 there must be a redistricting to identify the location  
12 of the seeds, but the law absolutely does not require  
13 the legislature to do it. It does not. The  
14 requirement of the law is to accomplish the task of  
15 redistricting. Not to identify who must do it. That's  
16 not the law. That's not the purpose. And for the  
17 governor to say otherwise shows a gross ignorance of  
18 the law. (Applause by the audience.)

19 Even the Republican attorney general said  
20 that at this point redistricting is not prohibited,  
21 that's true, but it's certainly not required. It's  
22 done.

23 Now, in the case of Texas, that task has  
24 already been accomplished. In 2001 the legislature did  
25 not redistrict, so the duty fell to the court. Again,

1 it was a duty to accomplish the task of redistricting  
2 to get the job done. And the job has been done by the  
3 court by the entry of a final order. (Applause by the  
4 audience.)

5 Now, at the time, the governor seemed to  
6 have a different position. At that time Governor Perry  
7 recognized and acknowledge that the court, the court  
8 and not the legislature, should take up redistricting.  
9 Let's look at a few things he said. Quote--this is the  
10 governor--It needs to go to the court and the courts  
11 work on this so the people of the State of Texas can  
12 know where the lines are going to be, period, end  
13 quote. That's what he said as reported by the AP on  
14 6/21/01. Listen to what the Fort Worth Star Telegram  
15 said. Quote, Critics blame Texas Governor Rick Perry  
16 for dumping congressional redistricting in the federal  
17 courts by refusing to call a special legislature  
18 session. Perry said, quote, it would be a waste of tax  
19 payers' money, end quote. (Applause by the audience.)  
20 Let's let --

21 CHAIRMAN DUNCAN: Congressman, your -- I  
22 know there will be questions for you. Your time has  
23 expired. If you want to wrap it up and --

24 CONGRESSMAN SANDLIN: Mr. Chairman, of  
25 course I was not notified of the time, and since

1 you're --

2 CHAIRMAN DUNCAN: Well, you can have  
3 another minute to wrap it up, if you'd like.

4 CONGRESSMAN SANDLIN: Well, I have about  
5 ten minutes.

6 CHAIRMAN DUNCAN: Well, that would be an  
7 excess of the time limits.

8 CONGRESSMAN SANDLIN: Well, let me say --  
9 let me say this. You haven't had hearings in our part  
10 of the state. My constituents come from all over. The  
11 House had sham hearings all across the district. It  
12 was just -- (Applause by the audience.) We've had no  
13 opportunity to be heard and I think we need an  
14 opportunity -- this is an important thing. This is  
15 something that affects the lives of my constituents,  
16 and for you to sit up there and say that we get five  
17 minutes or ten minutes just outrageous.

18 CHAIRMAN DUNCAN: Well, Congressman, I  
19 will tell you, this is the Texas Senate and we have 170  
20 people of your constituents and --

21 CONGRESSMAN SANDLIN: I tell you what --

22 CHAIRMAN DUNCAN: -- others that would  
23 like to testify.

24 CONGRESSMAN SANDLIN: We -- we have 170  
25 people and all these people will wait all day long.

1 You're denying the vote of minorities, you're denying  
2 the votes of rural people and we'll stay here till the  
3 cows come home to present our position. This is  
4 absolutely outrageous for you to cut me off like that.

5 CHAIRMAN DUNCAN: Thank you, Congressman.  
6 You know the rules. We voted on this unanimously.

7 CONGRESSMAN SANDLIN: Well, you don't  
8 follow the rules in anything else. You don't follow  
9 the constitution. You don't follow Georgia v. Duncan.  
10 You don't follow any other rules. You tell minorities  
11 they don't have a right to vote. You cut my  
12 congressional district, a rural district into --

13 SENATOR HARRIS: Congressman --  
14 Congressman -- sir, you are not helping anybody.

15 CONGRESSMAN SANDLIN: I'm not asking you  
16 for your comments.

17 SENATOR HARRIS: You are not helping  
18 anybody, sir.

19 CONGRESSMAN SANDLIN: Thank you. Thank  
20 you. If you have a question you can frame it as a  
21 question.

22 CHAIRMAN DUNCAN: We have -- in other  
23 areas where we've had your colleagues from Congress  
24 testify, out of respect we have certainly allowed you  
25 to talk and we have allowed you to answer questions and

1 we have been fairly lenient on the time. When I ask  
2 you to wrap up, I usually give you as much time as you  
3 need to wrap up. I've never been quite talked to like  
4 that by any other member of the congressional  
5 delegation, but I would be happy for you to conclude  
6 your remarks and then we'll ask questions.

7 CONGRESSMAN SANDLIN: Okay.

8 CHAIRMAN DUNCAN: And then we'll hear  
9 from your constituents, which I think you want us to  
10 hear.

11 CONGRESSMAN SANDLIN: Yes, sir, I do.  
12 And I'll wrap up.

13 CHAIRMAN DUNCAN: Thank you.

14 CONGRESSMAN SANDLIN: I'll wrap up --  
15 I'll wrap up quickly. Let me make -- let me make just  
16 a few comments. And I do have ten minutes or so left,  
17 but let me say this, first off -- I'm not going to do  
18 that. I'm not going to do that. But let me say this,  
19 I don't think the process is in compliance with the  
20 constitution or Georgia v. Ashcroft. It denies  
21 minorities positions of leadership for their minority  
22 preferenced candidates.

23 SENATOR WEST: Mr. Chairman.

24 CHAIRMAN DUNCAN: Senator West.

25 SENATOR WEST: You say that you --

1 Congressman, you don't believe that it's in compliance  
2 with Georgia v. Ashcroft as relates to your district.  
3 Why is that?

4 CONGRESSMAN SANDLIN: A couple of  
5 reasons. One is that it buries my minority population  
6 within a district that is high 60 percent Republican.  
7 It makes their vote totally ineffective. The  
8 minorities are not able to effect -- not only it won't  
9 be dispositive, but they cannot effect the outcome of  
10 the election. Also they're prevented from having --  
11 from putting together coalitions with others because of  
12 the great influx of moving the white voters around.  
13 The minority vote means absolutely nothing because  
14 they're -- they're swallowed up in a sea of the right  
15 wing.

16 The second point -- the second point is  
17 this: The law says, and Georgia v. Ashcroft says that  
18 you have to consider the leadership positions of  
19 leaders that are prefer -- are the preferred candidates  
20 of minorities. In Texas the Republican Democrat -- I  
21 mean, the Republican Texans in the House have a 12.5  
22 percent Hispanic rating. They have a 24 percent rating  
23 with the NAACP. The Democrats in both cases have over  
24 80 percent. I personally have 82 percent NAACP, 83  
25 percent with the Hispanic issues. And that's -- those

1 folks are the ones that then are saying, "These are our  
2 preferred candidates." Well, when you -- when you bury  
3 minority populations in a sea of white where they have  
4 no voice, they also have no voice in putting their  
5 folks in leadership positions. (Applause by the  
6 audience.)

7 SENATOR WEST: What -- what percent  
8 minority is your district, African-American and  
9 Hispanic?

10 CONGRESSMAN SANDLIN: I have about --  
11 under the current -- under the current map, which is in  
12 effect right now that the court drew, I have about a  
13 third, close to a third, not quite, I guess 30 percent  
14 or so are minorities, mostly African-American.

15 SENATOR WEST: Okay. Thank you.

16 CONGRESSMAN SANDLIN: Yes, sir.

17 CHAIRMAN DUNCAN: Members, any other  
18 questions of Congressman Sandlin?

19 SENATOR GALLEGOS: Let me ask --

20 CHAIRMAN DUNCAN: Senator Gallegos.

21 SENATOR GALLEGOS: Congressman, let me --  
22 first of all, and here's -- and for the people in the  
23 audience, a lot of us feel the same way you do. Please  
24 do not confuse us with the House. That's all I ask.  
25 That's all I ask. I mean, we have a quorum here and

1 I'm telling you that -- that the chairman has been open  
2 to everybody regardless of party affiliation and we  
3 would've liked to have gone everywhere, but don't  
4 confuse us with the House, even though we do have some  
5 good friends in the House. What happened in the House,  
6 happened in the House. This is the Senate and we're  
7 here to listen and -- and we respect you if you would  
8 respect us. Please -- please do so.

9 CHAIRMAN DUNCAN: Thank you.

10 CONGRESSMAN SANDLIN: I might comment.  
11 We appreciate you listening. We do appreciate you  
12 being here. Some of the folks in East Texas that  
13 probably are a little excited about it are because when  
14 we went to Nacogdoches one of the members was two and a  
15 half hours late and then came and said that he was  
16 there to listen. He made faces at most of the  
17 witnesses and then he promptly left and clearly didn't  
18 listen. So I think some of them are a little bit  
19 excited about whether or not --

20 SENATOR GALLEGOS: Have a good reason to.

21 SENATOR WEST: We'll be here until the  
22 last person testifies. If that's 2:00 or 3:00 o'clock  
23 in the morning we'll be here.

24 CONGRESSMAN SANDLIN: I we appreciate it.  
25 Mr. -- Mr. Chairman, I didn't want to offend you at

1 all. I appreciate you coming here and listening and  
2 being part of a more thoughtful body. It's just we  
3 have -- we've have very little opportunity to present  
4 our case and it's --

5 CHAIRMAN DUNCAN: We have found that in  
6 order to make sure that we do hear everyone and make  
7 these successful is we keep order, everybody abides by  
8 the same rules, and I appreciate you doing that too.

9 CONGRESSMAN SANDLIN: Thank you.

10 CHAIRMAN DUNCAN: Thank you.

11 CONGRESSMAN SANDLIN: Let me -- and in  
12 closing, and thanks for each of you coming. And I see,  
13 David Gwinn here and I got to see him this morning. He  
14 was one of my professors at Baylor Law School that  
15 taught me constitutional law. And David had this thing  
16 he always said, and I don't know if you still say it or  
17 not. He said -- he would sit there, and he always  
18 snaps his fingers like this (indicating) and he'd say,  
19 "Proper recitation of the law without proper  
20 application will get you zero, zero," is what he always  
21 told us. And so I'd like to say in closing that I hope  
22 the Senate -- I remember that, David, and what you  
23 said. And I hope the Senate remembers that too in that  
24 knowing the law without proper application is going to  
25 get them. (Applause by the audience.)

1                   CHAIRMAN DUNCAN: Chair recognizes  
2 Represent- -- State Representative Roberto Alonzo.  
3 Roberto. Please state your name and the district that  
4 you represent, if you would, please.

5                   MR. ROBERTO ALONZO: Thank you,  
6 Mr. Chairman. My name is Roberto Alonzo. I'm a state  
7 representative from District 104.

8                   Members of the Senate, Mr. Chairman, I  
9 come before you having testified in the House  
10 redistricting hearings and having participated  
11 yesterday on the floor. First of all, again, we  
12 reiterate the fact that we do not want redistricting.  
13 As you have seen across the state through your  
14 testimony, through the House testimony, over 80 percent  
15 of the people have said they don't want redistricting.  
16 But, you know, I heard comments that the House wanted  
17 to give an opportunity to minorities to participate,  
18 and what I did was create that opportunity. I put  
19 together a district, after having visited with  
20 different congressmen, State Representative Jesse  
21 Jones, (indiscernible), school board member Joe May a  
22 district in District 24 that would go from  
23 approximately 38 percent Hispanic population to 54.7.  
24 And voting age population to 50 percent. And this is  
25 working with leadership in North Texas. And created a

1 district not only that was just based on Hispanic, but  
2 similar in beliefs as it relates to representing  
3 working people, union people, people that go to public  
4 schools, urban areas. In one proposal in the House  
5 they tried to connect Oak Cliff, which is where we're  
6 at here in the south a little bit to the north going  
7 north to Carrollton, which would have been connecting  
8 suburb and -- with urban. And the last -- one of the  
9 last maps -- yesterday again connected Fort Worth and  
10 Dallas, but I tried to make it more compact, more  
11 communities of interest. And having done, again -- and  
12 I say that not only in proposing the map, because as  
13 you know, Mr. Chairman, I used to be a state rep from  
14 '93, '97 and I lost. And I decided to run again  
15 because I'm very interested in public service and one  
16 of the reasons I won is because I went door to door.  
17 Something very unique and very new, very important, and  
18 I'll never forget that. But what I learned in going  
19 door to door, I would hear the voters in the district  
20 that they wanted somebody that would represent the  
21 working people. And looking at that district, having  
22 won, having listened, and working at this district  
23 we're trying to develop, that's what -- I proposed it.  
24 And, you know, on the floor, having heard that this was  
25 available, we were voted down 80 to 60; 80 to 60. So I

1 don't think there was that big of an interest to really  
2 listen to a lot of people, at least 80 percent that say  
3 no. Eighty -- at least the people in my district and  
4 our area and the same area, and that's why you've heard  
5 from Congressman Martin Frost, that he gets elected  
6 because he makes sure to represent the working interest  
7 and the people in that area. (Applause by the  
8 audience.)

9                   So I too come before you. I've signed a  
10 document saying that I'm against redistricting. I'm  
11 saying to you also that in North Texas we have a  
12 growing population. One of the reasons that I  
13 presented this map is to bring attention to North  
14 Texas. There's over 1.3 percent Hispanic. In our  
15 studies in developing the map, it showed that out of  
16 districts that were a population of 50 percent or more,  
17 Hispanics were voting 71 percent Democrat. And those  
18 that had a 50 percent or more voter registration were  
19 voting about 75 percent Democrat.

20                   So again, I appreciate the opportunity.  
21 I come before you as many that are here today asking  
22 that you say no to redistricting. And just in  
23 closing -- in closing I would ask that people that are,  
24 as Senator West has said, those that are against  
25 redistricting say "nay."

1 AUDIENCE: Nay.

2 MR. ROBERTO ALONZO: And those that are  
3 for redistricting say "aye."

4 AUDIENCE: Aye.

5 MR. ROBERTO ALONZO: Thank you,  
6 Mr. Chairman.

7 CHAIRMAN DUNCAN: Representative Alonzo.  
8 Any questions? Thank you for your testimony today.

9 MR. ROBERTO ALONZO: Thank you,  
10 Mr. Chairman.

11 CHAIRMAN DUNCAN: Chairman recognizes  
12 former representative Harryette Ehrhardt. Harryette.  
13 Please approach and state your name and who you  
14 represent.

15 MS. HARRYETTE EHRHARDT: My name is  
16 Harryette Ehrhardt, and I join my colleagues in  
17 welcoming you to the Dallas/Fort Worth area. It's good  
18 to see friends again. Thank you for coming.

19 I want to tell a personal story to you.  
20 I'd like to talk to you about despite the Voting Rights  
21 Act, despite the federal guidelines, all of those  
22 notwithstanding, what happened in the redistricting  
23 committee to the district that I was honored to  
24 represent for eight years? They changed the lines of  
25 district 107 for which I worked by lining me out by

1 three houses. In doing that -- in doing that,  
2 neighborhoods were ignored, communities of interest  
3 were ignored. And most important, the  
4 representative -- representation of an intercity  
5 majority/minority district was devastated.

6 As in Congressman Frost's district,  
7 minorities have elected me to serve for the years that  
8 it was my privilege to do so. The devastation of the  
9 redrawing was to the minorities. They were placed in  
10 five different legislative districts. Four of them  
11 were majority Republican white districts, which  
12 rendered their vote useless. And the rest were packed  
13 into a already minority district. The constituency of  
14 a historically minority represented district was  
15 rendered impotent.

16 I ask you not to do such a thing once  
17 again. I ask you not to let the representation of  
18 minority members be rendered useless by the drawing of  
19 a map that divides the strength of the minority  
20 population.

21 Thank you for coming. (Applause by the  
22 audience.)

23 CHAIRMAN DUNCAN: Thank you, Harryette.  
24 Good to see you. Any questions for Representative  
25 Harryette Ehrhardt?

1 Thank you for your testimony today.

2 MS. HARRYETTE EHRHARDT: Thank you for  
3 being here.

4 UNIDENTIFIED SPEAKER: Love you  
5 Harryette. (Applause by the audience.)

6 CHAIRMAN DUNCAN: Chair recognizes former  
7 representative Garfield Thompson. (Applause by the  
8 audience.)

9 MR. GARFIELD THOMPSON: Mr. Chairman and  
10 Members, I appreciate you calling me. I left a sick  
11 wife at home, just got of the hospital yesterday and  
12 I'm going to have to go back and see about her and I  
13 appreciate you allowing me to testify.

14 I come before you today as a former state  
15 representative representing the --

16 Gallo, come esta, amigo?

17 SENATOR GALLEGOS: Bien.

18 MR. GARFIELD THOMPSON: Si. Mamacita.

19 SENATOR VAN DE PUTTE: Papacito.

20 MR. GARFIELD THOMPSON: I served with  
21 these people when I was in the House. I used to sing  
22 songs for them on the bus trips in Spanish, people,  
23 believe it or not.

24 I have a prepared statement here, but I  
25 don't want to use that. I just want to say to you,

1 let's get to the bottom line. What is really happening  
2 with the Congress of the United States, we have  
3 Congressman Tom DeLay who is the majority leader. We  
4 have the White House. We have the majority of the  
5 supreme court. We've got the Senate and the Congress  
6 in the United States House, but Congressman DeLay  
7 doesn't have the Texas delegation. That's his purpose.  
8 They want the whole ball of wax. That's the bottom  
9 line. He doesn't have the Texas delegation. If he  
10 gets the Texas delegation, they'll have the whole ball  
11 of wax and this is not what we want. We have  
12 Congressman Frost who is the senior of the Texas  
13 delegation, and he has a prominent position in the  
14 House. And if he can remove Congressman Frost, DeLay,  
15 Doggett, Stenholm, they'll have the whole ball of wax,  
16 folks.

17                   When I was in the Texas House of  
18 Representatives, I had the opportunity to help draw the  
19 lines in 1991. Spent many hours with the people who --  
20 redrawing the lines. As a matter of fact, Congressman  
21 Frost and I, I can say I'm responsible for Congressman  
22 Frost being in Tarrant County today. He's a witness.  
23 I have him sitting here. He and Pete Geren came to my  
24 house and he asked Geren, who is the representative 12,  
25 if he could come in Tarrant County. We agreed. And

1 then later on Geren said that we stabbed him in the  
2 back, which was a -- well, I won't say, but it  
3 was -- it was a damn lie.

4                   So Congressman Frost has been -- why did  
5 I accept that and agree to him coming to Tarrant  
6 County? Because I'm the political action chair for the  
7 NAACP. I am the political action chair for the AFL  
8 Randolf Institute. I've served with the AFL as the  
9 district representative and the human resources  
10 development institute. I represent people. I served  
11 20 months in the Persian Gulf, in World War II. I've  
12 been a commander of my American Legion Post. I'm a  
13 veteran. I'm a veteran of the Senate and I represented  
14 the 95th District of Fort Worth, Texas for ten years  
15 and I wasn't defeated, I retired, people. And I'm here  
16 in support of not drawing these lines because the lines  
17 are supposed to be redrawn every ten years. They  
18 weren't able to do it in the regular meeting of the  
19 redistricting board, the lawyers did it, and it's  
20 legal, approved by the supreme court. And so I'm  
21 asking you as members of the House -- of the Senate,  
22 forget what the House has done. Do what needs to be  
23 done. Thank very much.

24                   CHAIRMAN DUNCAN: Thank you,  
25 Representative Thompson. It's good to see you.

1 Members, any questions? Thank you.

2 Chair recognizes state representative Lon  
3 Burnham. (Applause by the audience.)

4 MR. LON BURNHAM: Senators, thank you for  
5 the opportunity to address your committee. I didn't  
6 have the same opportunity when the House was having  
7 hearings. I was able to sit in on one of the hearings  
8 here in Dallas, but I didn't actually get to testify  
9 and I'll talk to you in a minute about that.

10 I want to acknowledge my mother who's in  
11 the room today. She's the one that started bringing me  
12 to civic meetings before I knew how important they were  
13 or really cared. Alma Burnham. (Applause by the  
14 audience.) And like the Energizer Bunny, she just  
15 keeps going to those community meetings. She's  
16 involved in a dozen community groups and she's here  
17 today to let her sentiments be known as well.

18 Thank you to Congressman Frost. He asked  
19 the rhetorical question that should be asked over and  
20 over again and should lead every editorial. Is this  
21 trip necessary? And these people know the answer.  
22 It's not. (Applause by the audience.) It's not  
23 necessary. It wasn't necessary two years ago. There  
24 were at least 51 of us that felt strongly enough that  
25 it wasn't necessary that we made a trip to Ardmore to

1 make our point. (Applause by the audience.) I've been  
2 on more fun trips, let me tell you, but it was a  
3 necessary trip.

4 UNIDENTIFIED SPEAKER: Yes, it was.

5 MR. LON BURNHAM: What I want to talk to  
6 you about is two -- well, three simple points. The  
7 first one is real direct and real basic and  
8 unfortunately a lot of times it doesn't seem to matter  
9 to the Texas legislature. What we're talking about  
10 doing is unconstitutional and it will be challenged in  
11 the court, and rather than \$1.7 million, it's going to  
12 end up costing us 6 or \$7 million.

13 UNIDENTIFIED SPEAKER: That's right.

14 MR. LON BURNHAM: A lot of people can go  
15 into that point at length, but I think you all know  
16 what we're talking about.

17 I want to make a second point, because I  
18 did sit in on the hearings all day long Saturday week  
19 ago here in Dallas. I asked every advocate that came  
20 to testify for redistricting to -- for some clarifying  
21 information. The only reason that they ever gave as  
22 far as being on this trip was the outcome, the actual  
23 votes cast in election year 2002. Well, you know,  
24 what? That was a down election year. I mean, in  
25 actual numbers and turn-out. You know what else is

1 even more important? It's not who votes that counts in  
2 the redistricting process. People choose not to vote  
3 in the thousands in everyone of the districts that we  
4 all represent. Sometimes they choose not to vote  
5 because they have other priorities. Sometimes they  
6 choose not to vote for -- I'm not going to go into all  
7 those reasons, but the fact of the matter is we all  
8 know a majority of the registered voters don't vote for  
9 one reason or another and it may be because we create  
10 so much cynicism about the system with a process like  
11 this that we're going through right now.

12 (Applause by the audience.)

13 Not one of those people could answer the  
14 question, why are they insisting on redistricting based  
15 on who bothered to vote in election year 2002, rather  
16 than the really important question, the one that this  
17 country is supposed to be based on and founded on, all  
18 people are supposed to be treated equal under the law  
19 whether they are black or white or Hispanic or under  
20 age 18 or uneligible to register to vote for any number  
21 of reasons. All people are supposed to be counted.  
22 Two-thirds to three-fourths of my constituents would  
23 not be represented in the context of only counting  
24 those who bothered to vote, because two-thirds or  
25 three-fourths of my constituents for one reason or

1 another can't vote, but they should count in the  
2 redistricting process. (Applause by the audience.)

3           So given that it's unconstitutional and  
4 given that it's the people that are supposed to count,  
5 not the people that counted. I want to say just say  
6 one minute on my district, my district is a Hispanic  
7 impact district. Over 60 percent of the people I  
8 represent have a Hispanic surname and over 10 percent  
9 of the people I represent are African-American. And  
10 they elect me for one reason or another. They are in a  
11 contiguous district. I am the only member of the Texas  
12 legislature that only represents Fort Worth. There is  
13 a community of interest. And when a community of  
14 interest group named that, came to me and talked to me  
15 about what precincts we should add to my district, I  
16 responded to that official committee, and you'll be  
17 hearing from them shortly. We are packed in Fort Worth  
18 and Tarrant County such that we only have two  
19 Democratic House members as opposed to the vote  
20 represents 43 to 45 percent of the vote.

21           So if we were sincerely interested in  
22 protecting people's right to vote, we would open up the  
23 redistricting process for the Texas House of  
24 Representatives and get more representation for Tarrant  
25 County.

1                   And no offense, Senator Harris, but my  
2 constituents are not represented in the State Senate  
3 because 40 plus percent of them vote Democratic, but we  
4 are divided in our senatorial districts such that we  
5 don't have a Democratic senator.

6                   We have been -- we have been packed and  
7 cracked in the legislative process. And the bill that  
8 was passed out of the Texas House of Representatives  
9 last night cracks the Hispanic community into four  
10 different congressional districts. My intercity  
11 district is cracked into three different congressional  
12 districts. That's not fair. That's not right. And  
13 it's illegal.

14                   UNIDENTIFIED SPEAKER: Not right.

15                   UNIDENTIFIED SPEAKER: Not right.

16                   MR. LON BURNHAM: And I appreciate your  
17 time, Senator.

18                   CHAIRMAN DUNCAN: Thank you, Lon. Let's  
19 see if there's any questions. No questions for  
20 representative Burnham. (Applause by the audience.)

21                   We've been going now for about an hour  
22 and a half and as I said earlier, we would take our  
23 first break or a break every hour and a half to allow  
24 the court reporter a little breather. And we'll return  
25 in 15 minutes. The -- on deck we'll have Hector

1 Flores, Dionne Bagby -- Bagsby and Max Bain.

2 Members, if you could be here promptly we  
3 will reconvene at 4:45. Chair stands -- or the  
4 Committee stands in recess until 4:45.

5 (Recess for 21 minutes.)

6 CHAIRMAN DUNCAN: The Committee will come  
7 back to order. The Chair will first -- I know Senator  
8 West wanted to be here when Mr. Flores testified, so  
9 I'll hold off and first call Dionne Bagsby.  
10 Commissioner Bagsby, would you please approach? State  
11 your name and who you represent.

12 COMMISSIONER BAGSBY: I'm Dionne Bagsby,  
13 Tarrant County Commissioner, Precinct 1.

14 (Applause by the audience.)

15 I'm here today to voice my strong  
16 opposition and particularly the opposition of the  
17 African-American community to this process, to this  
18 issue, to this shenanigans. (Applause by the  
19 audience.) This whole issue of redistricting is  
20 unfair. And I was so glad to hear you all say that you  
21 have not drawn maps nor have you looked at maps, but  
22 many maps have been drawn and they all have one thing  
23 in common. Outrageously they all disseminate the  
24 voting strength of the African-American community in  
25 Fort Worth. The third largest concentration of

1 African-American voters in Texas. Currently the  
2 African-American community in Fort Worth predominantly  
3 located in south -- in the southeast portion of the  
4 city has considerable impact on the congressional  
5 elections.

6 Garfield Thompson may have helped draw  
7 the district that Martin Frost represents. I helped  
8 get him elected to that district. (Applause by the  
9 audience.) And I never use the word "I" because we all  
10 stand on other's shoulders. This community is united.  
11 The current 24th District is a minority opportunity  
12 district. Election analysis shows an unrefuted  
13 expert testi- -- expert witness testimony before the  
14 House redistricting committee demonstrates that  
15 African-American voters in the District 24 in coalition  
16 with Hispanic voters effectively controlled the outcome  
17 of primary and general elections.

18 I would like to point out to this  
19 committee how the six different maps that have been  
20 introduced considered by the House disenfranchise  
21 African-Americans in Fort Worth. It is clear that it's  
22 is not just one map, so it is not just an honest  
23 mistake or oversight. It is a flat out intentional and  
24 concerted effort to take away our voice. (Applause by  
25 the audience.)

1                   COMMISSIONER BAGSBY: I could point out  
2 to you the specifics in each of these maps, but I  
3 won't. Perhaps you Senators can now from the  
4 expressions of this crowd better understand why we are  
5 skeptical and distrustful, as in why sometimes we even  
6 grow angry because it is clear to many, to all of us  
7 that no matter how often you change the maps, nor how  
8 often you shuffle around the counties and cities all  
9 over Texas, one thing remains constant, the  
10 African-American population is disenfranchised.  
11 (Applause by the audience.)

12                   We've gone too far, travelled too long,  
13 shed too much sweat, seen too much blood flow to go  
14 back now. (Applause by the audience.)

15                   This redistricting process will set our  
16 community, the African-American community, back at  
17 least 30 years, probably more. Just as we have begun  
18 to have political power and use it effectively, someone  
19 is trying to take it away. It is wrong as anything you  
20 or I have ever seen. Yet we have hope. We have hope  
21 because you the members of the Senate hold the power to  
22 stop the misguided effort immediately. And I urge you  
23 to use your power to protect the people from Texas from  
24 this raw power grab. I urge you to vote against  
25 bringing up redistricting. It's the right thing to do

1 for the right reasons. Thank you all.

2 CHAIRMAN DUNCAN: Thank you, Commissioner  
3 Bagsby. Any questions? Thank you for your presence  
4 here today. Questions anybody? Thank you for being  
5 here today.

6 The Chair recognizes Hector Flores.  
7 Mr. Flores, would you please approach? State your name  
8 and who you represent.

9 MR. HECTOR FLORES: Good afternoon,  
10 Senators, Committee, distinguished members. Buenas  
11 tardes. My name is Hector Flores and I live right  
12 around the corner from here incidently at 1030 Tracy in  
13 Duncanville. My senator is here with your committee.  
14 Thank you for being here, Senator, for bringing this  
15 hearing here because I wanted to voice strong  
16 opposition likewise.

17 We don't think that what is happening  
18 today in Texas can be tolerated. LULAC, the League of  
19 United Latin American Citizens, it is the largest and  
20 the oldest Hispanic group in Texas, and you very well  
21 know it by now. I think we've been at every hearing.  
22 I think we're going to continue to be at every hearing  
23 and we will be in Austin also eventually and we'll  
24 probably be in court eventually. (Applause by the  
25 audience.)

1                   We want to work with the legislature to  
2 complete the work that it must do. And the work that  
3 it must do is more important than playing political  
4 games. We think there's education issues and health  
5 issues that have yet to be completed for the Texans,  
6 many of the Texans whose needs are being unmet. Texans  
7 and Latinos and African-Americans and others and the  
8 elderly and the young.

9                   Much of the state's business in these  
10 areas still need to be addressed, ladies and gentlemen.  
11 And this redistricting battle is causing great division  
12 and could threaten the great progress made by Texas in  
13 the last 20 years. I happen to be a fifth generation  
14 Mexican-American Tejano and I'm proud of that, but I'm  
15 not proud of being here today.

16                   Since the Voting Rights Act was passed  
17 Latinos and other minority groups have been -- have  
18 made great progress in being incorporated into the  
19 political mainstream of our great state and our great  
20 nation. But almost every redistricting plan for Texas  
21 has been drawn by a federal court. These redistricting  
22 battles will -- are surely inflaming passions and  
23 emotions from both dominant parties and from people  
24 from all walks of life. And they will create strong  
25 long lasting animosities that does not serve the best

1 interest of Texas.

2                   With the soaring population of Hispanics  
3 in the nation that not total -- now total 38.8 million  
4 in the U.S. and approximately 6.8 million in Texas,  
5 LULAC feels that our tax payers' money can be spent on  
6 more pressing issues as I mentioned to you earlier --  
7 earlier.

8                   In North Texas alone we have 1.3 million  
9 Hispanics. We don't have a Hispanic representative.  
10 We don't have a Hispanic opportunity district. We're  
11 very pleased with the representation we currently have.  
12 If things be as they were, we wouldn't be upset if they  
13 stayed like they were because our interests are being  
14 met. But the governor has called this special session  
15 and has placed redistricting on the table. And we're  
16 mobilizing our troops as was mentioned to you to  
17 represent our constituency, to raise awareness. We  
18 plan to participate, as I am doing today, and we're  
19 putting you on call, ladies and gentlemen, we're  
20 putting you on notice today that our membership is  
21 united and we're resolved and ready to vigorously fight  
22 to maintain the gains that we've made. And we will be  
23 vigilant for any back room deals that may be hatched  
24 under the table that can adversely affect our  
25 diminished (applause by the audience) our voting power

1 and representation, both in Austin and in the halls of  
2 Congress.

3 To the Committee, I respectfully say, we  
4 say redistrict after the 2010 census. Take care of the  
5 people's business first. And we hold you to that. Our  
6 rights must be respected. You must do the right thing  
7 and we expect you to do the right thing for Texans, for  
8 Hispanics, and for all minorities and for all people of  
9 Texas. Thank you. (Applause by the audience.)

10 CHAIRMAN DUNCAN: Thank you, Mr. Flores.  
11 Senator West.

12 SENATOR WEST: Mr. Flores, Hector, now I  
13 don't know whether the members actually know what  
14 position you hold with LULAC. Did you mention that at  
15 the outset?

16 MR. HECTOR FLORES: I am the national  
17 president of LULAC, sir, or ladies and gentlemen.

18 SENATOR WEST: Okay. So you are the  
19 national president of LULAC.

20 MR. HECTOR FLORES: That's correct.

21 SENATOR WEST: Now, obviously you have a  
22 political action committee and you've currently --  
23 you've looked at the current -- you've looked at the  
24 current congressional lines; is that correct?

25 MR. HECTOR FLORES: We have.

1                   SENATOR WEST: And are you satisfied with  
2 the current congressional lines as mandated by the  
3 courts?

4                   MR. HECTOR FLORES: We feel that it was  
5 the most positive thing that was done. We felt like  
6 this would be in place until the year 2010. Apparently  
7 that's not the discussions and apparently we felt like  
8 we could -- they deserve more study. We feel like  
9 we're going like a fast locomotive, that we can't stop  
10 it, that there's -- a decision's been made. We think  
11 there needs to be more time. And obviously, the people  
12 that are undercounted are normally minorities. We know  
13 that we're never counted anyway to begin with or our  
14 input.

15                   UNIDENTIFIED SPEAKER: Right on.

16                   MR. HECTOR FLORES: We're glad that  
17 you're having this hearing in North Texas and we're  
18 glad that some of our brothers and sisters are here  
19 that represent us in North Texas. We're proud of that,  
20 but we're not satisfied that we should be changing  
21 anything at the time being.

22                   SENATOR WEST: And you're speaking for  
23 LULAC as its national president; is that correct?

24                   MR. HECTOR FLORES: That's correct.

25                   SENATOR WEST: Thank you.

1                   CHAIRMAN DUNCAN: Thank you, Senator  
2 West. (Applause by the audience.)

3                   Thank you, Mr. Flores, for being here  
4 with us today.

5                   MR. HECTOR FLORES: Well, I wish it was  
6 during better times so we could show you the town.

7                   CHAIRMAN DUNCAN: Well, we'll come back.

8                   I have been advised by the fire marshall,  
9 and these are our bosses, that this room is  
10 overcrowded. And so they're going to require those of  
11 you who are standing to go to the overflow room. And  
12 that is -- well, we have to comply with the law and I  
13 think -- otherwise, the law will comply with us.

14                  THE CLERK: 211.

15                  CHAIRMAN DUNCAN: It's Room 211. And if  
16 you could, please --

17                  UNIDENTIFIED SPEAKER: Tom DeLay doesn't  
18 comply.

19                  CHAIRMAN DUNCAN: Those who are standing,  
20 if you could, please, help us out and move to the -- to  
21 the -- Senator West.

22                  SENATOR WEST: Please help us so we can  
23 move forward with the hearing.

24                  UNIDENTIFIED SPEAKER: Take it outside  
25 then.

1                   SENATOR WEST: Okay. Why don't you  
2 please take that outside so we can continue with the  
3 hearing. I need your help here. We need your help.

4                   UNIDENTIFIED SPEAKER: You represent us.  
5 Take it outside.

6                   SENATOR WEST: Okay. Those of -- those  
7 of -- those of you that understand the fire marshall's  
8 orders, please help us out. Everyone will get an  
9 opportunity to testify.

10                   Can we continue, Mr. Chairman?

11                   CHAIRMAN DUNCAN: We can continue. All  
12 right. The Chair recognizes Max Bain, the county  
13 commissioner, Cass County Commissioner.

14                   COMMISSIONER BAIN: Thank you,  
15 Mr. Chairman, Members of the Committee. My name is Max  
16 Bain. I represent Precinct 4, Cass County. My  
17 precinct lines on the east border Louisiana and  
18 Arkansas. So you see we're a long way from home here  
19 today.

20                   According to the way this map that we've  
21 looked at is, though, it would be very possible that  
22 our congressman could be within just a few miles from  
23 here if this map should stand up that we've been  
24 looking at. And I think it's something like 165 or 170  
25 miles from where we are today to my home.

1           I would like to refer to something today.  
2 My two daughters chose teaching as a career. They both  
3 teach at Atlanta Primary School, which has -- the  
4 Atlanta system was recognized last year as the top  
5 Triple A school in the State of Texas, and we're very  
6 proud. That's also the school that our Congressman Max  
7 Sandlin's mother retired from. I'm proud that the  
8 girls chose that as a career. I've tried to encourage  
9 them in all things in life and I've certainly tried to  
10 encourage them to participate in politics. Last  
11 November their participation led them to split their  
12 ticket and they voted for a Republican governor.  
13 That's only been seven, eight, nine months ago, but I  
14 can assure you right now when they voted for a  
15 Republican governor, they thought today that if we were  
16 having a special session it would have to do with  
17 education or for (applause by the audience) something  
18 for the betterment of the State of Texas. They're  
19 underpaid, but they enjoy their work. They're trying  
20 to make better citizens of these kids. One of them  
21 even qualifies, my daughter, her children even qualify  
22 for CHIPS. What I've read about CHIPS is that she's  
23 probably going to lose some of that. So that will  
24 probably let me help some when her children are sick.

25           I just -- I'm very disappointed that our

1 state government is taking the time that it is on  
2 redistricting when it could be working so hard in  
3 accomplishing so much for the people of this great  
4 state. (Applause by the audience.) I am against  
5 redistricting. And thank you for this opportunity to  
6 speak today.

7 CHAIRMAN DUNCAN: Thank you, Commissioner  
8 Bain.

9 Members, are there any questions for  
10 Commissioner Bain? Appreciate your coming all the way  
11 over here to testify.

12 The Chair recognizes Charles McMichael,  
13 Judge Michael. And, Judge, before -- let me announce  
14 the next person. Jay -- James Carlow, Bowie County  
15 judge. That way everybody can kind of line up and get  
16 ready to go.

17 JUDGE MCMICHAEL: Good morning, everyone.  
18 I appreciate the privilege to be -- appear before you.  
19 I'm Charles McMichael, Cass County judge. And Cass  
20 County is in the 1st congressional district represented  
21 by Mr. Max -- Max Sandlin. And we refer to him as  
22 "Max." It's -- he pretty well knows everyone around.

23 We're made up of communities that have --  
24 are like in population. There's no overwhelming  
25 populated senators and economically we're pretty even

1 all the way around and every one has a vote. And I'd  
2 like to see it stay that way. I strongly oppose  
3 redistricting. It's -- I can think of several things  
4 that the state could spend money on instead of that. A  
5 lot of things that come down from the state to the  
6 county and we've had to rework our budget because some  
7 of the state programs have been cut out. And they tell  
8 us they're out of money, but then they have the money  
9 to spend 1.7 on a -- on a special session and I don't  
10 understand it. (Applause by the audience.)

11 One gentleman made a statement awhile ago  
12 that during the war they had the statement that "Is  
13 this trip necessary?" Cass County is made up of a lot  
14 of working class people and they have a saying, excuse  
15 my grammar, but "If it ain't broke, don't fix it."  
16 (Applause by the audience.) And, again, I thank you  
17 for being able to appear here today.

18 CHAIRMAN DUNCAN: Thank you, Judge.  
19 Does Cass -- how large is Cass County?

20 JUDGE MCMICHAEL: About 30,000 people,  
21 18,000 registered voters, 1,000 square miles.

22 CHAIRMAN DUNCAN: And what is the  
23 primary -- is it agriculture or --

24 JUDGE MCMICHAEL: This -- if I might go  
25 on a little further, this -- this is discriminative of

1 not only minorities, it discriminates against rural  
2 Texas. (Applause by the audience.)

3 CHAIRMAN DUNCAN: The Chair recognizes  
4 James Carlow, Judge James Carlow.

5 Let the report -- while he's approaching,  
6 Judge McMichael has left a resolution for the record  
7 with -- from Cass County. I guess it's a county  
8 resolution?

9 JUDGE MCMICHAEL: Yes.

10 CHAIRMAN DUNCAN: Okay. Judge Carlow,  
11 state your name and who you represent.

12 JUDGE CARLOW: Mr. Chairman,  
13 distinguished members of this Committee, I'm James  
14 Carlow, county judge of Bowie County, Texas.

15 It's a privilege today to come here to  
16 speak to you regarding redistricting and how I perceive  
17 it will affect my county. Bowie County is also a rural  
18 county. We join Cass County to the north. It's rural  
19 in nature and our people think of our county as rural.  
20 Our needs and our concerns are different than faster  
21 growing areas of our state. Our growth is generally  
22 not urban dwellers moving out.

23 While the 1st congressional district has  
24 not had a Congressman from Bowie County since Wright  
25 Patman, we have had three congressmen who were from

1 rural East Texas and have similar interests and similar  
2 values as ours. Although we haven't had a Bowie County  
3 native, we're the largest populated county in our  
4 congressional district now as it's drawn today.  
5 Candidates and incumbents know that Bowie County voters  
6 are very important on election day. If we're combined  
7 with the Dallas area suburbs we will have very little  
8 influence on who is elected and how they will represent  
9 our citizens. Under this plan, and I know you haven't  
10 seen a plan, but I think most of us here have seen a  
11 plan from the House. And under that plan, neither a  
12 Republican or a Democrat can be elected from Bowie  
13 County. We're very concerned that very few people with  
14 very different agendas will be controlling our  
15 district. I'm very concerned that the Texas Senate  
16 would even consider redistricting since it was done  
17 after the last census.

18                   We have -- you asked about Cass County  
19 and who employs the people there. Our largest employer  
20 is Red River Army Depot. It's located right in the  
21 center of our county and it employs over 2000 people.  
22 And, folks, we went through a battle in 1995 and barely  
23 saved Red River Army from being closed. And we're  
24 facing that same battle, only worse in 2005. And we  
25 have a team of elected officials who know our problems,

1 who know the strengths of Red River Army Depot and who  
2 are willing to fight for us. And they include  
3 Congressman Sandlin and Senator Kay Bailey Hutchison,  
4 among others. So it's bipartisan. And we want to keep  
5 that bipartisan effort in effect.

6 I just -- I know where you're -- I know  
7 the problem that you have. I know that you're being  
8 pulled by the wishes of the people and you're also  
9 being pulled by the wishes of the leadership. And I'd  
10 like to ask you, please don't let people with a selfish  
11 agenda intimidate you and make you vote for a new  
12 redistricting plan. Please leave us alone until the  
13 next census. Thank you. (Applause by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Judge.

15 JUDGE CARLOW: Any questions?

16 CHAIRMAN DUNCAN: Been through one of  
17 those base closings and know what it's like. It's not  
18 any fun. I know --

19 JUDGE CARLOW: It's a big challenge.

20 CHAIRMAN DUNCAN: I think Senator Van de  
21 Putte and her committee did a great -- great work this  
22 session. I think -- and this time we're going to be  
23 prepared as a state and I hope that everything works  
24 out well for that. Thank you.

25 JUDGE CARLOW: It's going to take the

1 strength of the state to save us. Anything else?

2 CHAIRMAN DUNCAN: Thank you.

3 JUDGE CARLOW: Thank you.

4 CHAIRMAN DUNCAN: Chair recognizes  
5 Mayor Charles England, mayor of the City of Grand  
6 Prairie. Mayor England.

7 And after Mayor England we'll have Mark  
8 Burroughs, the mayor pro tem for Denton. Okay. The  
9 mayor has left, but let the record reflect that he has  
10 registered a position against redistricting.

11 Chair recognizes Mark Burroughs, mayor  
12 pro tem of the City of Denton.

13 MR. MARK BURROUGHS: Hi, folks.

14 Mr. Chairman, Senators, Committee Members, thank you  
15 very much for having this open hearing. I have great  
16 faith in the Texas Senate. I'm Mark Burroughs, mayor  
17 pro tem City of Denton, Texas. It's been my proud  
18 stance to be serving in the capacity of a council  
19 member at large for six years now and for great pay as  
20 y'all might know.

21 SENATOR WEST: I bet you you make more  
22 than me.

23 MR. MARK BURROUGHS: Not by much. I'm  
24 also proud to be from District 26, which for the first  
25 time in decades is a contiguous district. Our entire

1 county is in District 26. It -- before this, the City  
2 of Denton was divided into three congressional  
3 districts. We had no representation. Good faith  
4 people, good people right down the line, but we carried  
5 no weight. And we have been thrilled with what has  
6 been accomplished in such a short time with Dr. Michael  
7 Burgess, who is our congressman recently elected out of  
8 our district.

9                   It would be a horror to go back and slide  
10 back in that circumstance. I happen to also serve on  
11 the regional transportation council and Dallas Regional  
12 Mobility Coalition. I'm one of those guys who couldn't  
13 say no. I'm a great believer in regionalism and in  
14 working for the best interest of the entire state and  
15 in this country. And this -- I'm from the City of  
16 Denton. If some of the plans that have been seen --  
17 Denton is a ripe, unfortunately, county because it's  
18 heavily Republican. It's ripe for being carved up and  
19 being allocated to other parts of the state.

20                   Several proposed plans have put us with  
21 far northeast Texas. We might be electing the people  
22 that represent the folks who just spoke and that's --  
23 that's a shame and that's a sham. And the reason for  
24 that is because our -- Denton County's primary  
25 interests right now are transportation, mobility, and

1 environmental quality because we're facing a real  
2 nightmare with the EPA in North Texas. These are urban  
3 interests. Collin County and Denton County are two of  
4 the fastest counties -- growing counties in the  
5 country, let alone the state. And we don't need to  
6 have a diluted interest in representing that fast  
7 growth mode. And the plan -- any plan that affects the  
8 contiguous representation, dissipates that  
9 representation, is going to take away from the great  
10 initiatives that have been worked on. Over the last --  
11 particularly the last year, Dr. Michael Burgess has  
12 been appointed to the transportation committee and has  
13 just an amazing accomplishment for a freshman and is  
14 working diligently to try to bring mobility to the  
15 entire metroplex and of course the State of Texas,  
16 which in my opinion, we've been vastly underserved in  
17 the last decade or more. And so that is changing, but  
18 diluting that representation to bring in a district  
19 that has a substantial amount of rural interest that  
20 have nothing directly to do with the metroplex and  
21 throwing in the eastern half of Denton County, which is  
22 what one of the plans suggests, would be just taking  
23 the rights away from those folks in the eastern half of  
24 Denton or from the rural folks that now are  
25 concentrated voting, which -- our county is expected to

1 double in size in the next 15 years.

2 SENATOR WEST: Mr. Chairman.

3 CHAIRMAN DUNCAN: Senator West.

4 SENATOR WEST: Mr. Burroughs.

5 MR. MARK BURROUGHS: So you're saying  
6 that that would not be a community of interest?

7 MR. MARK BURROUGHS: That is correct. It  
8 splits what we now have, which is a community of  
9 interest for District 26.

10 SENATOR WEST: So you're saying then if  
11 Denton is paired with -- split up and paired with a  
12 rural sector around a state, then that is not a  
13 community of interest because of the divergence of  
14 interest that you've just articulated.

15 MR. MARK BURROUGHS: It's diametrically  
16 opposed to the fairness that the entire process is  
17 supposed to protect. Populations change over the years  
18 and that's the purpose of the census and the  
19 redistricting. The essential purpose of that is to  
20 create fair representation. And that -- the definition  
21 of that has been, judicially, communities of interest.  
22 And as I've been defining, we have a very defined  
23 community of interest in Denton County and District 26  
24 and we beg you not to delete that or destroy that or  
25 mess with it. There's no purpose that is in the best

1 interest of the citizenry of Denton County, Texas.

2 SENATOR WEST: Thank you. (Applause by  
3 the audience.)

4 CHAIRMAN DUNCAN: Thank you,  
5 Mr. Burroughs. Appreciate your presence here today.

6 The Chair recognizes Grady W. Smithee,  
7 Jr., mayor pro tem for the City of Duncanville.

8 Let the record reflect that we have --  
9 that we have a written testimony and we just -- I like  
10 to announce that when we do that. Mr. Burroughs has  
11 submitted written testimony, I think, for Euline Brock,  
12 mayor of the City of Denton. Thank you.

13 MR. GRADY SMITHEE: Mr. Chairman and  
14 distinguished Members of the Panel, I'm mayor pro tem  
15 of the City of Duncanville, but I'm not speaking for  
16 the City of Duncanville today because the City of  
17 Duncanville is probably as diverse in terms of its  
18 interest as everybody that's at this meeting. Maybe a  
19 little more diverse.

20 I represent on the regional  
21 transportation council along with Martin, the four  
22 cities that used to be frankly in a contiguous  
23 community of interest state representative district,  
24 but somehow -- something happened after 1991. We  
25 decided that rural folks -- I mean, that suburban folks

1 and intercity folks evidently had the same interest  
2 because what we ended up doing was putting finger  
3 districts out of the city down into -- into the  
4 suburbs. We're a majority -- we're a majority/minority  
5 group of cities. In fact, I'm -- I represent in my  
6 district, I'm a majority/minority district. Senator  
7 West is my senator. I'm proud of him. You know,  
8 Congressman Frost is my -- is my congressman. I'm  
9 proud of him too.

10 Now, I'm not here to harangue you today.  
11 Y'all are going to get harangued enough before this  
12 thing is all over with, you know. I'm just here to try  
13 to reason with you a little bit, you know, and ask you  
14 to please seriously consider not doing this. If you're  
15 going to do it, if you're going to have to do it just  
16 for the congressional district, then for God's sake,  
17 let's go back and do it for your districts and let's go  
18 back and do it for the other districts too. And let's  
19 recognize what communities of interest are.

20 Senator West represents our community of  
21 interest, but if you take a look at our House  
22 districts, they do not represent our community of  
23 interest. You know, our area is probably now, correct  
24 me if I'm wrong, Royce, probably around, you know, 55  
25 to 60 percent minority. My district is 34 percent

1 anglo, 42 percent black, and the rest a mixture of  
2 Hispanics and Asians predominantly, a few  
3 American-Indians. You know, I -- this is -- I'm in my  
4 16th year of representing this district. When I  
5 started representing it, it looks very different than  
6 it does now, but over time they've had enough  
7 confidence in me to keep me there and I appreciate  
8 that. Now, one might say that's because voter turn-out  
9 n local elections is so doggone low. You know, if we  
10 get 10 or 12 percent we think we've really done  
11 something good, you know, because we've got that many  
12 people interested in local government. But I would --  
13 I would ask you to do one thing for me, and that is in  
14 a recent issue of Governing Magazine had a very good  
15 article about what's happening all across the south  
16 basically, and that's this, that basically Republicans  
17 have been packing districts, if you will, minority  
18 districts. So what you -- and to the elimination of  
19 white Democrats. I started to get up here and tell you  
20 that I represented an endangered species, a  
21 conservative white male Democrat. Not too many of us  
22 left around. My own parties tried to kill me several  
23 times and I -- and I suspect that I -- you know, I get  
24 shots from both sides, but be that as it may, and let's  
25 be really honest about this. I'm also representing the

1 only nonprotected class under any of the Voting Rights  
2 Act. You know, white -- you know, white males don't  
3 have any -- we're not protected from anything. You  
4 have to go back to the 14th Amendment and hope that it  
5 applied to us to, you know, to get any kind of  
6 protection, but, you know, I'm happy with my minority  
7 representation. Don't get me wrong. I like -- I like  
8 working with Senator West. And I'm also happy with my  
9 majority, you know, representation in terms of  
10 Congressman Frost. And I ask you please, seriously  
11 consider not doing anything until this new census  
12 comes, but if you have to do something, then go back  
13 and do it all. Don't just do part of it.

14 CHAIRMAN DUNCAN: Thank you, Mr. Smith.  
15 Members, any questions. (Applause by the audience.)  
16 Thanks for being here today.

17 MR. GRADY SMITHEE: Somebody got my  
18 chair.

19 CHAIRMAN DUNCAN: Chair recognizes  
20 Melinda Miller, former mayor of the City of Forest  
21 Hill. And then on deck we'll have Steve Salazar.

22 Thank you, Ms. Miller.

23 MS. MELINDA MILLER: Good evening,  
24 Committee. I'm Melinda Miller, former mayor of the  
25 City of Forest Hill. I won't get into the stats

1 because I believe that you've heard them all from the  
2 other elected officials, but what I will come to you  
3 with is the personal notes.

4                   Yesterday I sat in traffic at the top of  
5 a hill trying to get to a funeral of Dr. Greg Spencer.  
6 (Applause by the audience.) It was anticipated that  
7 5,000 people would show up, but 10,000 came. And as I  
8 was sitting there, and I thought, "The community loves  
9 this man." Well, take a look around. That's what's  
10 happening now. The community from all different angles  
11 are here because they love their district. They love  
12 their representation. (Applause by the audience.)  
13 They know that they are going to be affected by a  
14 change. They're going to lose their representative.  
15 It's a possibility they're going to lose their voice  
16 and this concerns them.

17                   Now, we all are astute to understand that  
18 some changes are necessary, but is this? Is this one  
19 necessary?

20                   UNIDENTIFIED SPEAKER: No.

21                   UNIDENTIFIED SPEAKER: No, no, no.

22                   MS. MELINDA MILLER: My second question,  
23 why is it always the minority when it comes to being  
24 stacked, packed, cracked? Why is it always us? Why  
25 are we always the target? And the target now seems to

1 be the republicans.

2                   You know, what goes around, comes around.  
3 What goes up, comes down. Yes, I live in a minority  
4 opportunity district, and that's just it, a district of  
5 opportunity for minorities, for people that looks like  
6 me and some that don't, but that doesn't make any  
7 difference. It is a district of opportunity. Why is  
8 it so threatened? I don't know. An injustice to one  
9 is an injustice to all.

10                   Now, someone said that they saw their law  
11 professor here and they wanted to give him accolade for  
12 something that they remembered that he said, well, I  
13 can't remember anything my law professor told me that  
14 impressed me, but I can remember a billboard sign that  
15 impressed me. And it was one about drugs and it said,  
16 "Don't -- don't buy it. Don't try it. And deny it."

17                   So in conclusion concerning  
18 redistricting, I'm asking you, deny it, defy it, and  
19 don't stand by it. Thank you. (Applause by the  
20 audience.)

21                   CHAIRMAN DUNCAN: Thank you.

22                   Chair recognizes Steve Salazar, Dallas  
23 City Council. Please approach, state your name and who  
24 you represent. On deck will be councilwoman Gladys  
25 Hardeman.

1                   COUNCILMAN SALAZAR: My name is Steve  
2 Salazar. I'm Dallas City Council. I'm here  
3 representing the Mexican-American Democrats of Texas as  
4 their state chair. I also want to thank my Senator  
5 Royce West for having a meeting here in Dallas. I'd  
6 also like to -- appreciate the work that many of you  
7 senators have done for the City of Dallas for many,  
8 many years.

9                   And you know, that brings me to the point  
10 that I decided to come here and testify. Many things  
11 that get done actually get done because people work  
12 together to get them done. A lot of times if it's a  
13 law that needs to be passed that is going to make -- do  
14 a public good, it doesn't matter whether you're  
15 Republican or Democrat. You do it because it's the  
16 right thing to do. The things that -- that interfere  
17 are when you start saying things and deciding things  
18 for other people, such as redistricting.

19                   Redistricting will not solve the problems  
20 we have with our schools. If that were true, we would  
21 have done it a long time ago, but it doesn't. It's not  
22 going to solve the drop-out rate that we have not only  
23 in Dallas, but in Houston, San Antonio, Corpus. And  
24 that I would even say in a lot of these suburbs that  
25 are now being affected by a lot of the concentrations

1 of population that are -- that are occurring right now.  
2 It's not going to solve health care. Thousands of  
3 children were cut from health care because of this last  
4 budget. This redistricting is not proposing to do any  
5 changes to help those children get back on health care.  
6 This redistricting is not going to help get more  
7 children an early education that they need. It doesn't  
8 do anything to solve the budget crisis that we've  
9 experienced not only at the local level, but at the  
10 state and the federal level.

11                   This redistricting is not going to do  
12 anything to help teachers. I don't hear anybody -- I  
13 don't hear from either the GOP or the Democrats saying  
14 that anybody who runs has to be teacher so that way  
15 teachers can make those decisions to help the -- to  
16 help the schools in the future. What it comes down to  
17 is, are you going to listen to the testimony of the  
18 people who come here today? (Applause by the  
19 audience.)

20                   Will that -- will that be a major factor  
21 in your decision, or will it come down to the party  
22 politics? Like I said at the beginning, if it's the  
23 right thing to do, everyone will work together to do  
24 it. If it's not the right thing to do, then you will  
25 have a divided body and then no one wins. And when you

1 lose, what it means is that we have lost a part of not  
2 only the democracy, but actually the representation  
3 that everyone here is sent to do. Because whether  
4 you're elected as a Democrat or a Republican in your  
5 senatorial district or as a house -- house district,  
6 you don't ask when they call for services what party do  
7 you vote for and did you vote in the last election.  
8 You say, "How may I help you?" And what the people  
9 I've been hearing from all the Committee meetings, all  
10 the -- all the hearings have been saying, help us, not  
11 to redistrict, but help us to balance the budget. Help  
12 us to solve the problem on education. Help us to solve  
13 the problems in the economy. Help us to get jobs for  
14 our people so that way when we -- when we -- we can do  
15 that, we'll have kids that graduate and go to college  
16 and have better futures, not career politicians to  
17 create better futures for themselves. Thank you.

18 CHAIRMAN DUNCAN: Thank you, Councilman.

19 I have been advised that the fire marshal  
20 is permitting us now to put chairs outside in the  
21 hallway by the overflow room and we're turning up the  
22 sound, so bare with us. And as we move through I think  
23 there will be -- more room will occur for you. Just be  
24 patient and be courteous to all of our speakers.

25 Thank you, Councilman Hardeman. Would

1 you please state your name and who you represent?

2 COUNCILWOMAN HARDEMAN: Mr. Chairman, my  
3 name is Gladys Hardeman. I'm a city councilwoman for  
4 the City of Forest Hill. And we are -- we are  
5 currently -- Forest Hill is currently in the 24th  
6 District. That's Martin Frost's district. He is my  
7 representative.

8 I'm here to urge you not to redistrict.  
9 As a matter of fact, I hope that you choose wisely and  
10 fair, of course, but keep the map just as it is. It  
11 has served us well. We don't need a new map. I  
12 have -- I have to tell you, I've been reading about the  
13 maps, and I -- and they are not fair, but the map that  
14 we have now is fair. It's serving us all. We have no  
15 problems with the map and, please, do not redistrict.  
16 Thank you.

17 CHAIRMAN DUNCAN: Thank you,  
18 Councilwoman. Any questions? Thank you.

19 Chair recognizes Bobby -- city councilman  
20 Bobby Brown. And following Councilman Brown will be  
21 former councilman Ealy Boyd.

22 Thank you. State your name and who you  
23 represent.

24 COUNCILMAN BROWN: Bobby Brown. I'm  
25 Bobby Brown. I am a councilman of the City of Haslet,

1 and I'm not speaking for the City of Haslet, though. I  
2 am a veteran. I was a councilman for ten years. I am  
3 also a member of the Communication Workers of America.  
4 I am -- I represent over 60,000 retirees in the State  
5 of Texas. I happen to live in Haslet. It is in the  
6 north -- northern part of Tarrant County. My  
7 congressman is Kay Granger. My state senator is Jane  
8 Nelson. And my representative is Vicki Truitt. I'm a  
9 Democrat, they are Republican. We work together. They  
10 know where I stand and they -- and I know where they  
11 stand when it comes time for politics. We have a big  
12 problem amongst ourselves, and one of them is jobs,  
13 jobs, jobs. I'm asking you senators, are y'all  
14 worrying about jobs? Have you got any kids out there  
15 or family or anything that's losing their jobs? We've  
16 got a congressman here in the -- here in this area.  
17 Martin Frost, he's not in my area. I work for him. I  
18 tried my best to get him reelected. And why do I do  
19 this right here, because when I have a problem on the  
20 roads or a company is moving into the metroplex, I go  
21 to him as well as the other. Kay Granger and Frost,  
22 they work well together. We've got Carswell Air Base  
23 out here that stayed. We had General Dynamics or  
24 whatever they're calling it now. We have Bell  
25 Helicopter, that's still in this area. We've got

1 American Airlines that may be moving. A maintenance  
2 hanger out -- and that's in the north part of Fort  
3 Worth and that's right there where Haslet is. If you  
4 don't know where Haslet is, it's right -- Alliance  
5 Airport is part of -- is in our city limits. It's a  
6 small city and we'd like for all of you to come out  
7 that way.

8 Out of the representatives that I have,  
9 we know -- the retirees, we know who our elected  
10 officials are and we are working with them, whether  
11 they're Democrats or they're Republicans. We have so  
12 many problems for the elderly. That's "old geezers" to  
13 you people who don't know who we are.

14 CHAIRMAN DUNCAN: We're getting there.

15 COUNCILMAN BROWN: We built Texas to be  
16 fair in all ways and we passed things on to you and  
17 we're asking you to leave everything exactly like it  
18 is. We'll worry about this whenever our ten-year time  
19 coming up again. Leave redistricting exactly like it  
20 is. Don't change it because us elderly people, I've  
21 got people out here that's really and truly don't know  
22 their name, but they know who their congressman are.  
23 They know who their representatives are. They've got  
24 their number. I'm sorry. (Applause by the audience.)  
25 Representing -- that's just in the State of Texas. I

1 represent five states of the retirees. And on the  
2 national level also, but you get a call at 3:00 o'clock  
3 in the morning -- I was a telephone man. Used to be  
4 3:00 o'clock in the morning it was to go to work. Now  
5 you get a 3:00 o'clock in the morning, it's some  
6 elderly person is in the hospital. They're not  
7 calling, it's their daughter or some of their kinfolk  
8 saying, "What do we do?" And if it get to the point, I  
9 can call one of my congressman or representative and  
10 give them the number, and they can call them and get  
11 things done.

12                   So please, if you ever thought anything  
13 of your elderly or the State of Texas that we're  
14 passing onto you, leave things alone for this time.  
15 And then ten years from now when the end of that ten  
16 years, let's get out there and fight like hell, but  
17 till then let's make love, okay? (Applause by the  
18 audience.)

19                   CHAIRMAN DUNCAN: Thank you, Councilman  
20 Brown.

21                   The Chair recognizes Ealy Boyd, city  
22 council -- former city councilman for the -- for Forest  
23 Hill. Mr. Boyd. Is Mr. Boyd in the audience?

24                   UNIDENTIFIED SPEAKER: He might be in the  
25 other room.

1                   CHAIRMAN DUNCAN: Let's hold the card  
2 back in case he's in the other room.

3                   The Chair will call Chester Lockett,  
4 Commissioner Lockett or Constable Lockett. And on deck  
5 will be Sergio DeLeon.

6                   CONSTABLE LUCKETT: Thank you,  
7 Mr. Chairman, Senators. I have a prepared statement.  
8 Mr. Chairman and Members, my name is Chester Lockett  
9 and I am the constable in Precinct No. 8, which is in  
10 Fort Worth, that's southeast Fort Worth. On behalf of  
11 myself and the predominantly African-American  
12 constituents I represent, I appear before you today to  
13 urge you to vote no on redistricting.

14                   I should be clear from the start. I'm  
15 neither a redistricting expert nor a lawyer, but like  
16 many of those here today, I know when I'm being done  
17 wrong and when my community is being done wrong. This  
18 whole process (applause by the audience) -- this whole  
19 process has been flawed from the start. You as  
20 senators now have the opportunity to put to -- put an  
21 end to it. Think of -- think of it this way, you're  
22 driving down a dead end road going 90 miles per hour.  
23 You need to stop the car and park it for good before  
24 you hurt yourself and people like me.

25                   The current map should be left alone.

1 Under the current map we have two minority opportunity  
2 districts in North Texas. We have the 30th and we have  
3 the 24th, which is represented by Martin Frost,  
4 Congressman Martin Frost. You must not destroy  
5 anything that destroyed the political influence that we  
6 now have in this protected district. We in southeast  
7 Fort Worth have fought too hard for too long and too  
8 many years to finally realize the political strength we  
9 now enjoy in this district. To dismantle us so that  
10 you can please Tom DeLay, a man I have never heard of  
11 before and hope to never hear from again, (applause by  
12 the audience) is an absolute -- is an absolute outrage.  
13 This whole process has been so confusing as maps after  
14 map that attacks minority communities has been produced  
15 by the Texas House members. I find it hard to believe  
16 that here we are in 2003 and these members keep drawing  
17 lines that disenfranchises thousands of minority voters  
18 throughout the state.

19 The Voting Right Act was signed into law  
20 by a famous Texan, Lyndon Johnson, in 1963, and now you  
21 are considering helping another Texan, Tom DeLay,  
22 destroy it, totally dismantle it.

23 I beg you, don't do it. Don't give his  
24 power grab from Washington at our expense. Protect our  
25 voting rights. Vote no to redistricting and tell Tom

1 DeLay to build his power base somewhere else.

2 UNIDENTIFIED SPEAKER: Yes.

3 CONSTABLE LUCKETT: We need -- we need  
4 you to do the right thing. Park this car before it  
5 crashes. Thank you.

6 CHAIRMAN DUNCAN: Thank you, Constable.  
7 Members, any questions? The Chair hears none. Thank  
8 you for your testimony.

9 CONSTABLE LUCKETT: Yes, sir.

10 CHAIRMAN DUNCAN: Chair calls Sergio  
11 Deleon, constable for Precinct 5 of Fort Worth. On  
12 deck will be Willie Ray.

13 CONSTABLE DELEON: Thank you. I'm  
14 delighted to be here. I tell you, it's a tough act to  
15 follow my colleague Constable Lockett, who certainly  
16 did a good job up here stating his opinion. And --

17 CHAIRMAN DUNCAN: Constable, you'll need  
18 to state your name --

19 CONSTABLE DELEON: Sergio Deleon,  
20 constable Precinct 5, Tarrant County. And I stand here  
21 today in my full pledged capacity as constable  
22 representing 136,000 residents, not those -- that --  
23 just those who voted in the last election. And I would  
24 say I'm delighted to be here today, but I'm not. I'm  
25 glad that all of you are here hearing our thoughts, but

1 I think the consensus is unanimous. This is a waste of  
2 time. A waste of energy and a waste of money.  
3 (Applause by the audience.) And if we're going to  
4 exert any energy, any money, and any of our  
5 professional ideas and capacity, it ought to be about  
6 education. It ought to be about jobs. It ought to be  
7 about health care.

8                   Now -- and I'm delighted -- Senator  
9 Gallegos is here who is a reserve deputy council with  
10 Council Gary Freeman in Houston. I just wanted to add  
11 that.

12                   But let me go ahead and start with my  
13 prepared remarks. I just wanted to say from the  
14 outset, but -- the emotion is very live here today.  
15 But many journalists and commentators have been  
16 describing this latest redistricting round as a power  
17 grab. They say Tom DeLay and his crowd are trying to  
18 use their political power in Texas to get more  
19 Republicans seats in Congress so Mr. DeLay could have  
20 obviously a bigger majority.

21                   I agree with these statement, but they're  
22 missing the point and they're missing part of the  
23 story. Yes, we all agree that Tom DeLay is a power  
24 hungry politician. We all know that, but what you  
25 really need to focus your attention on is where he's

1 grabbing his new power. To get the new congressional  
2 seats he wants, Tom DeLay has to disenfranchise many  
3 people and communities in Texas that today have the  
4 power to elect the congressman of their choice.  
5 (Applause by the audience.) More congressional seats  
6 for Tom DeLay means less power to participate in the  
7 Democratic process for millions of Texans. And map  
8 after map, he and his House Republican followers have  
9 proposed. It is clear that Tom DeLay's power grab is  
10 targeting minority voters. (Applause by the audience.)  
11 Just look what he's done to the Dallas/Fort Worth area.  
12 One of his maps that we've seen packs more  
13 African-American and Hispanic voters into the 30th  
14 district, a district that is already a  
15 majority/minority district represented by Congresswoman  
16 Johnson. Why would Tom DeLay want to pack as many  
17 minority voters as possible into an already minority  
18 controlled district? To reduce influence of minority  
19 voters, especially Hispanic voters by submerging more  
20 Hispanic communities into an already safe minority  
21 district. Tom DeLay is trying to make the rest of the  
22 Dallas/Fort Worth districts more anglo and more  
23 Republican. (Applause by the audience.) He's trying  
24 to take away our right to participate in elections  
25 where our votes can decide the outcome.

1                   Another strategy Tom DeLay is using to  
2 weaken minority vote and strength in our area is to  
3 crack up our communities into little pieces, a tool  
4 used by the Republicans time and time again. Divide  
5 and conquer. Some of his maps break up our communities  
6 and distribute them out of -- out to the safe  
7 Republican districts in the suburbs. And some of his  
8 maps, minority voters get dealt out to safe Republican  
9 districts in Denton County, and we heard their opinion  
10 on that. In the most recent map, the one passed by  
11 House Judicial Committee on Saturday fractures the  
12 Hispanic community of Tarrant County into three  
13 districts, 24th, 12th, and 26th, cracking the Hispanic  
14 in such ways deprives those that I represent the  
15 opportunity to have meaningful impact on a  
16 congressional race. More to the point, as we've heard  
17 time and time again through these proceedings, it's  
18 just plain wrong.

19                   I don't think it's any mystery that --  
20 why Tom DeLay would like these minority cracking plans,  
21 Mr. Chairman. By dividing our communities and  
22 submerging them into safe Anglo Republican districts  
23 Mr. DeLay is taking away our voice, our right to make a  
24 real difference in election. Why would a Republican  
25 Congressman in a safe suburban Republican district

1 listen to our concerns? Why would a Republican  
2 congressman in a suburban district vote in the best  
3 interest of our communities? Tom DeLay doesn't like --  
4 doesn't like the Hispanic communities in Dallas/Fort  
5 Worth today already have the power to have their voice  
6 be heard in Washington. They use that power to vote in  
7 coalition with African-American voters to elect the  
8 Congressman from the 24th District, Mr. Frost. Let me  
9 just go ahead and -- is my time out?

10 CHAIRMAN DUNCAN: Okay.

11 CONSTABLE DELEON: Okay. Let me just  
12 summarize. Mr. Chairman, I've watched your demeanor,  
13 you seem like a very honorable man who's going to  
14 listen to our concerns. Go back to Governor Perry, to  
15 your colleagues in the Senate and let them know that  
16 this is wrong, that we should really focus on more  
17 important issues affecting Texans. Thank you.

18 (Senator Deuell joins proceedings.)

19 CHAIRMAN DUNCAN: Thank you, Constable  
20 Deleon. Members, any questions for Constable Deleon?

21 Thank you for your presence here today.

22 CONSTABLE DELEON: Thank you.

23 CHAIRMAN DUNCAN: I have a couple of  
24 announcements to make. First, I would like to say that  
25 the Dallas area sends some of the best talent in the

1 Texas -- in Texas to the Texas Senate, and joining us  
2 today is your Senator Bob Deuell from the Dallas area.  
3 Bob, welcome aboard.

4 I also have more good news for you, is  
5 that we have a second overflow room that will be  
6 located in Room 160C and there is an audio set up in  
7 that room. And what we'll do is we'll call these cards  
8 out and give everybody plenty of time to make their way  
9 to make their way out down if you hear your name  
10 called. The next witness will be Willie Ray, the  
11 Texarkana councilman -- or city councilman for  
12 Texarkana. On deck will be Juan Jasso, justice of the  
13 peace, Precinct 5 for Dallas.

14 Mr. Ray -- or Ms. Ray, I'm sorry.

15 COUNCILWOMAN RAY: That's okay. I get  
16 called that all the time, but I am a female.

17 CHAIRMAN DUNCAN: I apologize to you.

18 COUNCILWOMAN RAY: And my name is Willie  
19 Ray and I am council member of Texarkana, Texas, and I  
20 am from District 1. And my -- I'm here to strongly,  
21 strongly oppose redistricting. We want you and we ask  
22 you and we beg you, please leave the map as it is.  
23 (Applause by the audience.) It serves us well.

24 We have Congressman Max Sandlin who works  
25 well for the people. He works very well. He's in the

1 community helping the seniors, helping the veterans,  
2 saving Red River Depot, and most people that are in  
3 that area, like Congressman Max Sandlin, works well for  
4 us. And that's what we want. We want a representative  
5 that know us and understands our problems and is there  
6 for us when we need him. I've never before -- I've  
7 always seen my congressman very, very calm, but when  
8 you mess with us, he becomes outraged. And we  
9 appreciate him so much because we know he cares for us  
10 and he's always there protecting us. And Senator  
11 Bailey -- Kay Bailey Hutchison, she's also there. We  
12 work together well. So just please, if anything, don't  
13 change the map. It serves us well and our constituents  
14 will be very, very confused. As a minority --

15 SENATOR WEST: Mr. Chairman.

16 CHAIRMAN DUNCAN: Senator West.

17 SENATOR WEST: Excuse me. Madam  
18 Councilperson Ray.

19 COUNCILWOMAN RAY: Yes.

20 SENATOR WEST: Let me ask a couple of  
21 questions. How long have you served on the council  
22 there in Texarkana?

23 COUNCILWOMAN RAY: Going on my fourth  
24 term; six years.

25 SENATOR WEST: You are a community

1 leader.

2 COUNCILWOMAN RAY: Yes, I am.

3 SENATOR WEST: And well recognized as  
4 such?

5 COUNCILWOMAN RAY: Yes.

6 SENATOR WEST: What size African-American  
7 population is there in Texarkana? Sizeable?

8 COUNCILWOMAN RAY: Pretty sizeable, yes.

9 SENATOR WEST: Okay. Would it be a fair  
10 statement to say that as a community leader in that  
11 congressional district, that the African-American  
12 population in that congressional district has the  
13 ability to influence who the congressional person --  
14 representative is in that district?

15 COUNCILWOMAN RAY: Very well so.

16 SENATOR WEST: And you want to maintain  
17 that ability do that; is that correct?

18 COUNCILWOMAN RAY: Yes, we do.

19 SENATOR WEST: Okay. All right.

20 COUNCILWOMAN RAY: And we have a very  
21 important part in playing that. And of course, like I  
22 say, we love our elected officials and I worked very  
23 hard for Max and we were the reason that he's there and  
24 we want to keep him there and I just like him.

25 SENATOR WEST: Okay.

1                   COUNCILWOMAN RAY: So just please leave  
2 the map like it is until it's time to change again.  
3 Thank you so much.

4                   CHAIRMAN DUNCAN: Thank you,  
5 Councilwoman. (Applause by the audience.) Other  
6 questions?

7                   Chair recognizes Juan Jasso, justice of  
8 the peace, Precinct 5, Place 2, Dallas, Texas. On deck  
9 will be Jose May. Jasso.

10                  JUDGE JASSO: Good afternoon, welcome to  
11 Dallas. My name is Juan Jasso. I'm a justice of the  
12 peace, Dallas County, Precinct 5, Place 2 in Oak Cliff.

13                  Briefly, I'm here to speak, register my  
14 opposition to the current redistricting. I believe  
15 that it sets the wrong precedent and will lead towards  
16 more chaotic elections. The argument I hear from some  
17 folks is that voting patterns mean redistricting at  
18 this time. If so, what's going to happen in say two or  
19 four years? Say that the tide turns, Democrats get  
20 elected over Republican, will that open the door again  
21 to this process where we'll have to be coming back  
22 every so few years to do it again instead of waiting  
23 when it should be done after each census. (Applause by  
24 the audience.)

25                  Martin Frost is my congressman and I

1 trust he will be my congressman for many years. I  
2 voted for him every election and will continue to do so  
3 until he decides not to run or reelection. And from  
4 what I've been reading, it appears that Martin will  
5 continue to get elected or reelected as my senator  
6 Royce West who represents a very large segment of the  
7 Hispanic community here in Dallas also, has and will  
8 continue to do so. I hope they return that favor when  
9 it's my turn. Thank you.

10 CHAIRMAN DUNCAN: Thank you, Mr. Jasso.  
11 Any questions?

12 Chair recognizes Jose May, school board  
13 member.

14 UNIDENTIFIED SPEAKER: He was out in the  
15 hall and couldn't get in.

16 CHAIRMAN DUNCAN: We will -- okay. We'll  
17 hold his card back.

18 SENATOR WEST: Here he comes.

19 CHAIRMAN DUNCAN: Here he comes. And  
20 then after that -- Mr. May, if you'll approach, state  
21 your name and who you represent, and then after that  
22 Judy Richards.

23 MR. JOSE MAY: I was outside. I think --  
24 was it Joe May that you called?

25 CHAIRMAN DUNCAN: Yes.

1                   MR. JOSE MAY: Okay. Mr. Chairman,  
2 Members of the Senate Jurisprudence Committee, thank  
3 you very much for following me this opportunity to  
4 speak before you. My name is Joe May and I reside at  
5 2206 Garrett. I want to take this opportunity to speak  
6 about the inequities of the present congressional lines  
7 in North Texas and the inequities that are being  
8 proposed in the congressional district. Today  
9 Hispanics are 30 percent of Dallas County residents.  
10 Today in Dallas, Texas alone within the boundaries of  
11 the city of Dallas, 43.5 percent of all Hispanics over  
12 the age of 25 and older have less than a ninth grade  
13 education. 66 percent -- oh, thank you, sir.  
14 Appreciate it. Very kind. 66.6 percent have less than  
15 a high school diploma. 49.4 percent of all residents  
16 residing in poverty in Dallas County are of Hispanic  
17 origin. 69.8 percent of all households living in  
18 overcrowded conditions in Dallas, Texas or of Hispanic  
19 origin. 70 percent of all children who return to  
20 households where English is not spoken are American  
21 born. 56.2 percent of all Hispanics in the City of  
22 Dallas over the age of five speak Spanish and cannot  
23 speak English very well.

24                   This statistic shows that the Hispanic  
25 community is a community of interest. It is also a

1 community that is cohesive as is indicative in the  
2 research that would indicate that their voting patterns  
3 are very similar in Hispanic neighborhoods. Eighty  
4 percent of all Hispanics who vote in the primary vote  
5 in the Democratic primary.

6 Today, I'm asking you to consider drawing  
7 a Hispanic district in either Dallas County or in  
8 Dallas/Tarrant County. One, such a district is very  
9 possible and such a district would not normally be in  
10 conflict with the intent of both the Democratic and the  
11 Republican interest that's in this Committee. As I  
12 understand, the Republican interest wants to draw more  
13 minority districts. As I understand, the Democratic  
14 interest wants to protect the two Democratic districts  
15 in Dallas County. It is possible to draw a Hispanic  
16 district that is over 60 percent Hispanic adjacent to  
17 the African-American district. It would not be a  
18 threat to any incumbent, because as you all know, it is  
19 now a requirement of the Voting Rights Act or any other  
20 requirement that an individual has to live in a  
21 district to run for that district.

22 I have taken the opportunity of bringing  
23 some maps that I drew two years ago when I was working  
24 on trying to create such a district in Austin, and I  
25 want to point out and give each one of you a copy of

1 what I did two years ago. Keep it in mind that these  
2 maps were drawn two years ago clearly with the intent  
3 of drawing a Hispanic district in Dallas, in Dallas  
4 County, or in North Texas. I understand there's what,  
5 two, four, six, eight, ten. I'm also giving you a map  
6 in which would indicate where our percentages of  
7 Hispanic populations are located. And you will be able  
8 to see by this map that it is possible to draw a  
9 district that is -- that is compact and has community  
10 of interest that would be still a Democrat district,  
11 and at the same time allow Hispanics the opportunity to  
12 elect candidates of their choice in North Texas.

13 Thank you. And let me give you these  
14 map.

15 CHAIRMAN DUNCAN: Submit this for the  
16 record, I assume?

17 MR. JOSE MAY: Yes.

18 CHAIRMAN DUNCAN: Okay. Mr. May submits  
19 a map, for the record.

20 MR. JOSE MAY: There's two maps in there.

21 CHAIRMAN DUNCAN: Actually two maps, --

22 MR. JOSE MAY: Yes, sir.

23 CHAIRMAN DUNCAN: -- but they're all  
24 attached as one document?

25 MR. JOSE MAY: Yeah. Well, they're all

1 clipped together, but -- there's two maps and there's  
2 also an indication of the Hispanic growth, where -- the  
3 Hispanic growth in Tarrant County and Dallas County  
4 recited by percentages.

5                   CHAIRMAN DUNCAN: Let me make sure I  
6 understand what you've shown us. The first page is  
7 census block groups and then the second page is  
8 District 103 proposed congressional districts GARC 1 --  
9 or 01018C.

10                   MR. JOSE MAY: Okay. That's -- okay. I  
11 drew those maps back in 19- -- back in the year 2001.  
12 There were drawn out of a Apple computer by then  
13 Representative Domingo Garcia. The 104 and 103 is  
14 basically just numerical numbers that I put in there to  
15 identify what I was drawing.

16                   CHAIRMAN DUNCAN: Okay.

17                   MR. JOSE MAY: And it does give you the  
18 percentage registered, the population. You will note  
19 that one of those districts is 64.4 percent Hispanic,  
20 the other one is 61 percent. The one -- you know, that  
21 64.4 goes from Dallas County to Tarrant County and it  
22 would take in Dallas -- the Hispanic neighborhoods of  
23 Dallas alone where the Hispanic neighborhoods are Fort  
24 Worth. The second map would be entirely drawn within  
25 the boundaries of Dallas County and it would be at

1 61 -- a little over 61 percent Hispanic and it would  
2 all be drawn within -- within Dallas County.

3 CHAIRMAN DUNCAN: Are these -- these are  
4 alternatives, or would you -- I guess these are  
5 alternative maps; is that correct?

6 MR. JOSE MAY: Yes. This would have to  
7 be an alternative map. It would be something for your  
8 consideration, sir.

9 CHAIRMAN DUNCAN: Okay. And then 1035C  
10 is -- that is a separate map. I see.

11 MR. JOSE MAY: It's a separate map in  
12 that it is drawn just entirely on Dallas County and it  
13 is -- it is drawn with the idea that if you wanted to  
14 keep just a district in Dallas County, it is very  
15 possible. One of the problems that we have in the  
16 Hispanic community here in Dallas County is that a lot  
17 of the Hispanic neighborhoods are in congressional  
18 districts that are basically Republican, and every time  
19 that the elections go on, they cannot elect candidates  
20 of their choice.

21 CHAIRMAN DUNCAN: Members any questions  
22 of Mr. May? Thank you for submitting this. Are you on  
23 the Dallas School Board?

24 MR. JOSE MAY: Dallas School Board, yes,  
25 sir.

1                   CHAIRMAN DUNCAN: Y'all taking care of  
2 Dr. Moses for us?

3                   MR. JOSE MAY: We're trying to. He's a  
4 good man.

5                   CHAIRMAN DUNCAN: He got -- he had some  
6 good training out there in Lubbock. Thank you,  
7 Mr. May.

8                   MR. JOSE MAY: Thank you. Y'all have a  
9 good day.

10                  CHAIRMAN DUNCAN: Okay. The Chair --  
11 what I'm going to do is -- I think that concludes all  
12 of the testimony from our elected officials. And we're  
13 going to move to the audience and we'll call these  
14 cards in order that they were turned in. And so  
15 because we have people in different rooms I'm going to  
16 call three names at a time. So if you hear your name  
17 called, come on down toward the front and we'll  
18 accommodate you.

19                  For the record and so everyone we'll  
20 know, we are on an hour and a half -- we go an hour and  
21 a half at a time, and I think that our next break will  
22 be in about 20 minutes at 6:15. So we're going to try  
23 to get as many of you in before 6:15 as we can.

24                  The first witness that we'll call will be  
25 Ms. -- or Ms. Barbara Rubin. The second witness on

1 deck will be Darrel Castillo. And after that will be  
2 Harold Hammett.

3 Ms. Rubin, state your name please and --

4 MS. BARBARA RUBIN: My name is Barbara  
5 Rubin. I'm precinct chair in south -- 1065 southwest  
6 Fort Worth. My state representative is Anna Mallory.

7 As a result of a State Senate  
8 redistricting that truncated our city, we have  
9 essentially no representative in the State Senate  
10 that's not more responsive to areas other than Fort  
11 Worth. I have Kim Brimer for state senator who's  
12 beholden as much for the City of Arlington as he is  
13 Fort Worth. And Chris, you and Jane Nelson have the  
14 majority of your constituencies from outside Fort  
15 Worth. And they all have to dance with the one that  
16 brung them.

17 As a result of the 2001 State Senate  
18 redistricting, the much beloved capable and nonpartisan  
19 Mike Moncrief had no district in which to run.  
20 (Applause by the audience.) I've only got five  
21 minutes.

22 Both Fort Worth in the state senate we're  
23 losers. This is the major reason I came to testify.  
24 Everyone of the plans that we've been faced with are  
25 designated to further truncate and gerrymander the City

1 of Fort Worth in the U.S. Congress. Kay Granger,  
2 rather than Fort Worth majority district all of a  
3 sudden represents Granbury, Hillsboro, Weatherford.  
4 Kent Grusendorft who worked so hard to have Arlington  
5 together in one district may be sorry. He would get  
6 Joe Barton who has supposedly represented much of --  
7 much of southwest Fort Worth for 20 years and  
8 consistently voted lock step with his party against the  
9 interest of our city, including voting to close  
10 Carswell Air Force Base. Now he'll be representing  
11 Mesquite and Athens, as well as Ennis, Arlington, and  
12 East Fort Worth. This is the perfect example of what  
13 happens in an urban minority district.

14                   However, when I went on line to view the  
15 proposed redistricting map that the House passed this  
16 morning, I found that just as badly as the voters of  
17 Fort Worth are invalidated, Austin, Dallas, Houston,  
18 and San Antonio fared just as badly. Fort Worth,  
19 Austin, and San Antonio are each in four congressional  
20 districts most of which do not have a majority of city  
21 voters. One of the Austin districts includes parts of  
22 San Antonio. San Antonio's four districts include  
23 District 21 from Austin, the 23rd which goes to Big  
24 Bend and the El Paso suburbs, and the 28th which snakes  
25 down to the Mexican border.

1                   Houston, was split into six urban  
2 minority districts including the 14th, which extends  
3 down to the Gulf of Mexico and west as far as Aransas  
4 Pass, and the ninth which goes all the way to the  
5 Louisiana border.

6                   And Dallas is really lucky. You get  
7 seven districts. District 2 does not include the  
8 Dallas suburbs, which might have a community of  
9 interest with Dallas voters, but it cuts through Denton  
10 and has the majority from Sherman, Denison, Paris, and  
11 the entire Oklahoma border. And the fortunate Dallas  
12 voters that live in District 5 get to share their  
13 representative with Texarkana, Marshall, Mt. Pleasant,  
14 and Cass and Bowie County who are very upset about  
15 that.

16                   These -- however, Arlington is in one  
17 district. Plano is in one district. Hurst, Euless,  
18 Bedford is in one district. These burbs have always  
19 depended on their core cities' tax base and the plunder  
20 of the cities would continue in the U.S. Congress. And  
21 if you haven't seen the map -- (indicating) (Applause  
22 by the audience.)

23                   In light of the Supreme Court's ruling  
24 June 25th on the Georgia redistricting case, this whole  
25 \$1.7 million special session will probably be an

1 exercise in futility. The legislature may be able to  
2 castrate the cities, but the courts will most likely  
3 throw out such a blatant injustice to urban voters  
4 rendering a null zero for the DeLay/Perry 1.7 million  
5 boondoggle. (Applause by the audience.)

6 There are many of us who remember the  
7 good old days when Jim Wright made sure Fort Worth was  
8 taken care of in our U.S. Congress and he served our  
9 community well. I hope you can be enough of a  
10 practical statesman to see that it's critical to  
11 maintain communities of interest for the cities and for  
12 the rural areas and avoid the racial packing that  
13 occurred in Georgia. You can rescue 1.7 million or you  
14 can leave it mired in the courts until 2011. (Applause  
15 by the audience.)

16 CHAIRMAN DUNCAN: Thank you, Ms. Rubin.

17 Chair calls Darrell Castillo. On deck  
18 will be Harold Hammett and after Mr. Hammett will be  
19 Dr. Jeff Cunningham.

20 UNIDENTIFIED SPEAKER: Do you have any  
21 comment? I'd like to respond to that.

22 MR. DARRELL CASTILLO: Mr. Chairman,  
23 honored Members of the Senate Committee, my name is  
24 Darrell Castillo. I am professor of political science  
25 at Richland College.

1                   Yo soy Chicano. Naci en el barrio aqui  
2 en West Dallas, Los Altos.

3                   I come today as an educator in higher  
4 education to present an alternative. I am a Republican  
5 conservative, served five years on the Reagan White  
6 House staff on the National Security Council. And as  
7 an educator as such I posit questions that -- in the  
8 classroom for my students that are not posited before.  
9 And so questions left out there sometimes answer other  
10 questions and could lead to more questions and possibly  
11 more answers.

12                   I am noted for my incorrigible candor in  
13 the classroom. I am the only Hispanic teaching  
14 full-time political science in the entire Dallas County  
15 community college district. And in that setting which  
16 promotes diversity various ideas can be heard with a  
17 great deal of respect.

18                   First I'd like to comment on Congressman  
19 Frost and Congress Sandlin's disingenuous presentations  
20 concerning --

21                   (Boo by the audience.)

22                   CHAIRMAN DUNCAN: The audience will be  
23 respectful of each of the persons whether you agree or  
24 not. I think that's the way we make this work. That's  
25 our process. That's our great country.

1 Professor, go ahead.

2 MR. DARRELL CASTILLO: I'm sure the rules  
3 committee would have had a great deal of trouble with  
4 their overtime before this assembled audience.  
5 However, I do want to point out, as an educator, and  
6 what I tell my students is that this is a Republic not  
7 a Democracy. In a Republic we have elected  
8 representatives that have the will of the people. The  
9 will of the people is expressed at the ballot box. The  
10 ballot box, results have shown that the Republican  
11 party and the conservative agenda is the will of the  
12 people. As representatives of the people then -- as  
13 representatives of the people then, it is the duty of  
14 these representative to express the will of the people.

15 There are two types of equality, and  
16 they've been bantered about here. One of them is  
17 equality of opportunity and the other one is equality  
18 of outcome. And those two are distinctly conservative  
19 and liberal ideas. I am somewhat disappointed,  
20 however, in the rumors that my party has not increased  
21 Hispanic representation, particularly in the growing  
22 Mexican-American population in the State of Texas.  
23 What I'm hearing is that the districts are still set at  
24 seven representative in Washington. That's -- that  
25 doesn't fly in the face of a growing Hispanic,

1 particularly Mexican-American community, in the State  
2 of Texas.

3                   However, listening to Mr. Mays and his  
4 ideas and Representative Alonzo, who is a very good  
5 personal friend of mine and we have worked together in  
6 higher education as far as it concerns  
7 Mexican-Americans, I see the following: Where is the  
8 danger -- and I agree with Mr. Mays and I agree with  
9 Representative Alonzo in their take that there is  
10 absolutely no danger in the creation of high impact  
11 minority communities. Granted this would be a liberal  
12 equality of outcome, but it's necessary at this point  
13 to increase diversity in Washington D.C.

14                   What I see, and this is of course a very  
15 far out statement, and I'll coach it in these terms, I  
16 think Representative Ehrhardt was also disingenuous.  
17 She made a statement and -- she made a statement to the  
18 effect that white Democrats are in danger of not being  
19 elected. To my mind, what this equation boils down to  
20 is a battle of white liberals versus white  
21 conservatives. White liberals are very much afraid of  
22 losing their power and their seats in Congress through  
23 the creation of minority/majority districts. Too often  
24 I see in the minority community, minority --

25                   UNIDENTIFIED SPEAKER: Filibuster.

1                   MR. DARRELL CASTILLO: -- too often I see  
2 in the minority community so-called minority leaders  
3 battling over the scraps and the slice of the pie  
4 rather than arguing about how much of the pie the  
5 minority community is owed. That -- that's a bit of a  
6 problem. What I saw -- and this is the question I'd  
7 like to posit to those members here. I don't see a  
8 problem with the creation of two minority high impact  
9 districts in North Texas. I don't see that at all,  
10 particularly if they are Mexican-American districts.  
11 And I posit this question to the members: What  
12 about -- what about a Congressman Royce West? What  
13 about a Congressman Roberto Alonzo? That works for me.

14                   CHAIRMAN DUNCAN: Thank you, Professor.  
15 Appreciate your coming.

16                   Senator West, questions?

17                   SENATOR WEST: A couple of questions.  
18 And I'm very intrigued and I understand your -- your  
19 thought processes as relates to exactly what you said.  
20 Do you believe that we should be able to have  
21 minorities in districts where they have an impact on  
22 the district, minority impact districts? Do you  
23 believe we should be able to have those type of  
24 districts.

25                   MR. DARRELL CASTILLO: Senator, with all

1 due respect, I do not believe that minority should be  
2 diluted. I don't believe as a block in a community of  
3 interest that their votes should be diluted. And quite  
4 contrary, I believe that minorities as communities of  
5 common interest can be put together to ensure the  
6 election of a particular ethnic group. For instance,  
7 an African --

8 SENATOR WEST: And some point -- at what  
9 point do you think that it would constitute packing  
10 though? I mean, at some point -- do you need 85, 90  
11 percent minorities in a district in order to ensure the  
12 election of a minority or some number less than that?

13 MR. DARRELL CASTILLO: Sir, with all due  
14 respect, and because of my what is known as my  
15 incorrigible candor, that's intellectual masturbation.  
16 That would (boo by the audience) -- that would  
17 entail -- that would entail --

18 SENATOR WEST: Okay. So the answer to  
19 my --

20 MR. DARRELL CASTILLO: Sir, with all due  
21 respect --

22 SENATOR WEST: So the answer to my  
23 question --

24 CHAIRMAN DUNCAN: If we could have a  
25 little order, please.

1 SENATOR WEST: Please. Please.

2 CHAIRMAN DUNCAN: Order, please.

3 SENATOR WEST: Let me again ask the  
4 question this way, and I'm not engaging in an  
5 intellectual masturbation, but let me ask the question  
6 this way. Is there a number -- is there a number less  
7 than say 75 or 80 percent that you believe that you can  
8 put in minority a district where you are able to have a  
9 majority/minority district.

10 MR. DARRELL CASTILLO: A simple majority  
11 district would probably comprise anywhere from 51  
12 percent to 60 percent minority.

13 SENATOR WEST: So you believe that  
14 those -- in that particular range, minorities would be  
15 able to have a minority impact district?

16 MR. DARRELL CASTILLO: Theoretically.

17 SENATOR WEST: Okay. Now, so you  
18 don't --

19 SENATOR HARRIS: He said 51 percent what?

20 SENATOR WEST: 51 to 65 percent.

21 SENATOR HARRIS: Okay. Thank you.

22 SENATOR WEST: Okay. So then, any number  
23 above 65 percent, would it be a fair statement to say  
24 that any number above 65 percent would be a number that  
25 would not be necessary in order to allow your theory to

1 come to fruition?

2 MR. DARRELL CASTILLO: Sir, with all due  
3 respect --

4 SENATOR WEST: Is that a "yes" or "no"  
5 answer?

6 MR. DARRELL CASTILLO: I don't believe in  
7 sophistry outside of the classroom.

8 SENATOR WEST: Oh, okay. Well --

9 MR. DARRELL CASTILLO: I know we're in  
10 the real world here, so --

11 SENATOR WEST: Hold on for one second.  
12 Hold on for one second. (Boo by the audience.) And I  
13 mean -- you know, I guess you and I could go back and  
14 forth --

15 MR. DARRELL CASTILLO: Yes, sir, we could  
16 all day long.

17 SENATOR WEST: -- in intellectual  
18 discourse, but you know, really what I was trying to do  
19 is to get some information out of you in terms of your  
20 perspective. And I'm going to defend your right to  
21 have your perspective on this issue, but again, from an  
22 intellectual point of view, in realty, the question I'm  
23 asking you is, is that shouldn't we not have minorities  
24 in districts also where they can have an impact on  
25 electing someone of their choice other than someone of

1 the same ethnic group?

2 MR. DARRELL CASTILLO: Yes, sir, that's  
3 quite --

4 SENATOR WEST: As a conservative, would  
5 you not agree that building coalitions based not on  
6 color, but based on interest is where we should be  
7 going?

8 MR. DARRELL CASTILLO: Yes, sir, I agree,  
9 but -- but --

10 SENATOR WEST: Well, let me follow up.  
11 Hold on. Hold on for a second. Let me follow up.

12 MR. DARRELL CASTILLO: If you'll -- if  
13 you'll allow me to answer your other question.

14 SENATOR WEST: And then by having  
15 minorities in districts where minorities may very well  
16 constitute 35, 40 percent, would that not -- would that  
17 allow -- would that not allow coalitions to be  
18 developed based on interest and not based on the color  
19 of one's skin?

20 MR. DARRELL CASTILLO: If your -- if your  
21 objective is not to promote ethnic diversity, if --  
22 again, I stress, if your objective is not to promote  
23 ethnic diversity --

24 SENATOR WEST: How does that not -- how  
25 does that not promote ethnic diversity --

1 MR. DARRELL CASTILLO: Because by --

2 SENATOR WEST: -- where you have a  
3 minority district -- let me --

4 CHAIRMAN DUNCAN: Wait. Wait.

5 MR. DARRELL CASTILLO: -- creating a high  
6 impact minority district that can almost ensure the  
7 election of a Hispanic as Joe Mays and as  
8 Representative Alonzo have argued, you will increase  
9 ethnic diversity in the United States Congress.

10 SENATOR WEST: No, I understand what  
11 you're saying there, but those are majority/minority  
12 districts. I'm talking about districts where you have  
13 less than a majority of minorities, but those  
14 minorities ends up coalescing or coal- -- establishing  
15 a coalition with Anglos to elect someone of their  
16 choice. Do you believe that that should happen?

17 MR. DARRELL CASTILLO: Sir, let -- let me  
18 posit this, with all due respect. It is in your hands  
19 as an elected official to make sure that that equality  
20 of opportunity or equality of outcome becomes a reality  
21 as an elected official.

22 SENATOR WEST: Okay. Thank you,  
23 Mr. Chairman. I'm not going to get an answer to that  
24 question.

25 CHAIRMAN DUNCAN: Thank you, Professor.

1                   Chair calls Harold Hammett. And members  
2 of the audience, you know, this is -- we have gone  
3 around the state and the audience is spirited and we  
4 actually enjoy good intellectual and spirited debate  
5 and we understand that passions are involved, but we  
6 can't hear sometimes whenever the crowd gets loud. The  
7 court reporter can't get the testimony down, which is  
8 important for the legal record. And so I think it's  
9 critical that you cooperate with us so that we can  
10 work -- make a good record here today, because I think  
11 the record -- I think we all want a good record here.

12                   Also members and witnesses, only one  
13 person can speak at a time because she only has two  
14 hands and she doesn't have four, so we can't talk over  
15 each other. So with that, we have Mr. Hammett. Would  
16 you state your name and who you represent.

17                   MR. HAROLD HAMMETT: Yes, Mr. Chairman.  
18 Thank you. My name is Harold Hammett. I'm a lawyer  
19 living and practicing in Fort Worth. I, for 15 years  
20 up until a few years ago was general counsel for the  
21 Texas Democrat party. In spite of that you need to  
22 hear what I have to say.

23                   The basic form- -- by the way, I hope the  
24 professor stays around because he needs to hear it even  
25 worse. The basic formula that's being presented to us

1 is -- unfortunately this whole process jumped up in the  
2 New York Times this morning, summarized like this about  
3 Texas. "Democrats now hold a 17 to 15 advantage, but  
4 Republicans urged on from Congress by Representative  
5 Tom DeLay say existing congressional boundaries do not  
6 allow for the election of representatives who reflect  
7 state's increasingly Republican voting patterns."  
8 We've heard that all along, and the best and the most  
9 polite way that I can describe that is that it is a  
10 highly fictionalized portrayal of the actual facts,  
11 which I want to show you right now.

12                   And, Mr. Chairman, I had prepared  
13 remarks. I have several copies that I handed to the  
14 staff when I signed in. I would request that they be  
15 made a part of the record. The chart that I'm now  
16 referring to, and I don't think you can see it so much  
17 from there, I'll just describe it here now. I'm afraid  
18 with the people standing over there that I might put  
19 somebody's eye out with this lazer. What this is,  
20 shows -- from the Texas Legislature counsel returns,  
21 just a quick way to show how strongly Republican the  
22 six congressional districts are that Mr. DeLay wants to  
23 mess with. They are Districts 1, 2, 4, 9, 11, and 17.  
24 A quick way to determine with absolute objectivity and  
25 accuracy the fact that these are Republican districts

1 is to compare just briefly two races, that for  
2 governor. And then I call your attention to the  
3 supreme court, place 2, a race between a district judge  
4 from Houston and a district judge from Palestine,  
5 neither well -- neither controversial, low profile  
6 district, but an ideal test to determine the strength  
7 of a state party vote.

8 SENATOR WEST: Mr. Chairman.

9 CHAIRMAN DUNCAN: Senator West.

10 SENATOR WEST: Could we have -- is there  
11 anyway that we can put that on the easel and bring it  
12 out?

13 MR. HAROLD HAMMETT: Okay. I'd be happy  
14 to.

15 SENATOR WEST: That's fine right there.

16 MR. HAROLD HAMMETT: Thank you, Senator  
17 West. The -- notice there in the column in left hand,  
18 just to summarize that, of course all of these -- all  
19 these -- the statewide Republican office -- offices  
20 statewide were carried by Republicans, we know, but  
21 looking at -- for governor, in those congressional  
22 districts the Republican margin of victory was 254,770.  
23 And what could best be placed by important, but  
24 nondescript supreme court race statewide test for a  
25 party, party representation and party strength, the

1 Republican margin was 168,674. But look, Members of  
2 the Committee, what happens when we get over to the  
3 congressional races. There's something over there that  
4 is the worse nightmare of a politician like Tom DeLay.  
5 He can't trust his own people because 120,873  
6 Republicans split their ticket and voted for the  
7 Democratic congressional candidates. And the average  
8 margin, the average margin of victory for the  
9 Democratic candidates was over 20,000. In comparison  
10 to the average margin in the governor's race, 42,000,  
11 and 28,000 in the supreme court race.

12 Now, Mr. Chairman, you personally, I hope  
13 that you will not feel that I am using the name of --  
14 I'm calling to memory a man that we both respect and  
15 hold in high respect in a disrespectful way, but I hope  
16 you will consider the fact that it doesn't take someone  
17 with the astuteness of a Jim Milan to know that those  
18 are now six Republican congressional districts and what  
19 Tom DeLay and the rest of you need to be aware of when  
20 you start talking about the need to mess with what  
21 we've got now, is not only do the figures as they  
22 actually exist belie your major premise, but I'm using  
23 a word here, about to, in a -- that's a loaded term,  
24 and I'm not using it in a loaded way, but in a  
25 carefully defined way, not to mean lack of patriotism

1 or lack of loyalty, but this whole Tom DeLay Republican  
2 redistricting scheme and the professor and their  
3 assertion of it are profoundly unAmerican.  
4 (Applause by the audience.) And it's unAmerican --  
5 it's unAmerican, Mr. Chairman, and Members of the  
6 Committee, because the attempt to manipulate existing  
7 majority Republican congressional districts is placing  
8 a vote for a party as more important than a vote for a  
9 person. Its a crude -- (Applause by the audience.)  
10 It's a crude abusive, almost aberration of the mixed  
11 district proportional representation system used in  
12 Europe, in many houses of parliament, national and  
13 regional, and used exclusively in Israel where you have  
14 party lists that are determined how someone ranks.

15 Yes, Mr. Chairman.

16 CHAIRMAN DUNCAN: Your time is expired,  
17 but go ahead --

18 MR. HAROLD HAMMETT: Oh, I'm sorry. I  
19 didn't see the card.

20 CHAIRMAN DUNCAN: Go ahead. You had --  
21 we interrupted you, so I just wanted to let you know,  
22 we -- you know, a couple of more minutes and we'll open  
23 it up for questions. There may be some questions.

24 MR. HAROLD HAMMETT: I will finish  
25 within -- I will finish within, Mr. Chairman. Thank

1 you.

2 CHAIRMAN DUNCAN: Thank you.

3 MR. HAROLD HAMMETT: Where party lists  
4 are set up by the party hierarchy and they go on the  
5 ballot and they're ranked, and then people have the  
6 choice to vote for many offices only for the party and  
7 who gets -- actually the person, the individual, the  
8 human being that actually gets to serve in parliament  
9 is determined by his or her rank on that party list.  
10 That is not the American way. I suggest to you that  
11 for reasons of their own, thousands, thousands of  
12 Republican voters have exercised their basic American  
13 right to vote for the person and not for the party and  
14 to split their ticket. And this right should be  
15 preserved. Not just racial minorities, but independent  
16 thinking Republicans ought to be just as upset about  
17 this process. (Applause by the audience.)

18 So the Tom DeLay and your colleagues in  
19 the House answer thus far has been is to not recognize  
20 this basic American right that to vote -- the right to  
21 vote for a person is just as important as the right to  
22 vote for a party, if you wish to exercise it, wants to  
23 manipulate district lines, create more districts. And  
24 that's the fair answer according to Mr. DeLay. I  
25 suggest to you that that's not the correct answer. The

1 Republican leadership doesn't need to find new party  
2 line voters. It needs to find more comparatively  
3 capable congressional candidates. Thank you,  
4 Mr. Chairman.

5 CHAIRMAN DUNCAN: Thank you, Mr. Hammett.  
6 Appreciate it very much. Members, any questions for  
7 Mr. Hammett? All right.

8 (Senator Staples joins proceedings.)

9 MR. HAROLD HAMMETT: Thank, Mr. Chairman,  
10 Members of the Committee. Thank you.

11 CHAIRMAN DUNCAN: Thank you. Let the  
12 Chair reflect that we've also had Tom Staples of  
13 Palestine, who is a member of the Committee, join us.  
14 Senator Staples.

15 SENATOR STAPLES: Thank you.

16 CHAIRMAN DUNCAN: I have -- it's -- we've  
17 been going now a little over an hour and a half, and  
18 it's time for our break. After the break -- we failed  
19 to recognize Dick Reed who is a former member, and he  
20 will be our first witness. After that we'll have  
21 Dr. Jeff Cunningham. And after that we'll have Walter  
22 E. Travis.

23 It is 6:20. We will convene again at  
24 6:35. The Committee will stand in recess until 6:35.

25 (Recess for 31 minutes.)

1                   CHAIRMAN DUNCAN: The Committee will come  
2 back to order. And our first witness will be Opal Lee.  
3 Ms. Lee, would you please approach, state your name and  
4 who you represent? But before you speak let me  
5 announce the on deck. We have Dick Reed, Dr. Jeff  
6 Cunningham, and Walter E. Travis. We also -- I wanted  
7 to remind you of our interpreting services that we have  
8 here today. We've had interpreters at each meeting and  
9 sometimes they're used more than others, but we want to  
10 make sure that if you need that service, we have --  
11 Ms. Lyda Baro is here to do that for you and she's up  
12 here.

13                   Ms. Baro, would you stand up so everyone  
14 can see you. And would you please come and say that in  
15 Spanish?

16                   I'm sorry. Ms. Lee, if you'd give us  
17 just one second.

18                   INTERPRETER BARO: Si hay alguna persona  
19 que quisiera hacer un testimonio o dar su opinion en  
20 Espanol y quisiera los servicios de interprete, para  
21 eso estoy aqui para servirles. Gracias.

22                   CHAIRMAN DUNCAN: Thank you. Ms. Lee,  
23 would you state your name and who you represent.

24                   MS. OPAL LEE: My name is Opal Lee. I'm  
25 from Fort Worth, Texas and I'm representing Opal Lee.

1 I do belong to a lot of organizations, but I didn't  
2 tell them I was coming here to represent them. And for  
3 just a few minutes, I don't think I need five, I want  
4 you to forget that you're looking at a little old lady  
5 in tennis shoes and I want you to try to remember  
6 Barbara Jordan, and if Barbara was here, what she would  
7 say to this group about this redistricting effort. And  
8 I think what she would tell you is to leave things  
9 alone. (Applause by the audience.) She would say in  
10 her elegant way, that if it ain't broke, don't fix it.  
11 She  
12 would -- she would say to you that it is ridiculous the  
13 amount of money we are spending, \$1.7 million. And  
14 she'd ask you to find another \$1.7 million to help the  
15 families and the children and the teachers and all the  
16 other things that should come before this redistricting  
17 hearing. I think she would say to you that the  
18 constitution gives us a right to redistrict every ten  
19 years. And to mess with that like we say, "Don't mess  
20 with Texas," to mess with that is really going against  
21 the grain.

22 I think Barbara Jordan would say to all  
23 of us, "Think, think, and think some more." Let's not  
24 get tied up in partisan stuff. Is that the word?  
25 Let's get on with the business of the state, and

1 there's so much to be done and we don't seem to have a  
2 lot of time to do it in. I appreciate it.

3 CHAIRMAN DUNCAN: Thank you, Ms. Lee.  
4 Members, do you have any questions for Opal Lee?

5 Thank you, Ms. Lee. You sound a little  
6 bit like Barbara Jordan. Let the record reflect that  
7 Ms. Lee has left a document, "Junetenth Freedom  
8 Festival Celebration," for the record.

9 MS. OPAL LEE: Yes. And it's the fact  
10 that there are articles in there that would tell us  
11 that we are going back instead of forward. Please take  
12 time to read it.

13 CHAIRMAN DUNCAN: Thank you, Ms. Lee.  
14 Appreciate it.

15 Chair calls Dick Reed, former  
16 representative Dick Reed.

17 MR. DICK REED: I am a former member --  
18 I'm sorry. Chairman Duncan, and Members of the  
19 Jurisprudence Committee, I am a former member from  
20 Dallas and at that time you -- you wouldn't think about  
21 it but it was an at large district. All 15 members ran  
22 countywide. So I served in the late '60s at the time  
23 of great activism as far as filing cases about  
24 redistricting, about minority representation and all of  
25 these issues. And in the -- my math is not probably as

1 good as it used to be. In the 35 years since, there  
2 have some trend lines continued, they have changed and  
3 they will change again because the nature of  
4 reapportionment has nothing to do with maintaining any  
5 absolute criteria. It varies according to the  
6 situation. And interestingly enough with most of the  
7 focus on minority representation, the panacea of a  
8 Democracy is no focus on the make-up, the racial ethnic  
9 make-up when you put the pen to the mound. That's the  
10 panacea. But in order to get there we have to overcome  
11 some things that we've not yet overcome, and that has  
12 to do with discouragement of minority voters casting  
13 their ballots and an abundance of everything -- every  
14 other kind of role practices. This isn't to say that  
15 it's your party, Chairman Duncan, because it goes on in  
16 both parties. It's not a party thing.

17 But when you boil all of this away, all  
18 of what's been said, the ultimate task is going to have  
19 nothing to do with what any of these people either  
20 think or want. It's going to be resolved on  
21 constitutional criteria, period. Now, I -- I am  
22 acquainted with the history of all of these courts,  
23 that they do not always have unanimous decisions. And  
24 the two decisions regarding affirmative action, I  
25 think, demonstrate that. But the trend line is a way

1 from managed ways of protecting rights toward  
2 empowerment of the individual citizens to defend their  
3 own rights. That's always been the aim. Interestingly  
4 enough, when the 15 members were elected at large in  
5 Dallas, you had to go before two or three men to get  
6 their blessings before it was worth your \$300 to file.  
7 And the first one I -- as a Democrat, by the way, you  
8 guessed this already I guess, but the first one I  
9 visited with when I got through, he said, "Mr. Reed, I  
10 appreciate you coming by, and you've not won my  
11 support, but based upon what I've heard of you, I feel  
12 a whole lot less determined to keep you from being  
13 elected. And if I might say so, you sound more like  
14 Barry Goldwater than Lyndon Johnson. And it has to do  
15 with this -- this rural Texas notion about  
16 individualism.

17 But what it's going to boil down to is  
18 what constitutional issues are involved if this passes  
19 and goes to the governor and gets signed? Because as  
20 sure as you see the sun rise in the east it's going to  
21 be contested. It's going to be contested based upon  
22 assertions of constitutional problems. Now, I maintain  
23 a real good relationship with most of the Republican  
24 county judges and so forth because I was such a  
25 maverick, but the interesting thing is that the

1 constitutional issues that say this has not a prayer of  
2 a chance are going to prevail. You can't search for a  
3 three-judge panel that will uphold what the legislature  
4 is at least considering passing, conservative, liberal,  
5 moderate or what.

6                   Now, the other point, and this is just a  
7 one-liner, I served my last session in 1970 through  
8 '73, during the -- the legislature involving all of the  
9 stock fraud scandals, the insurance scandals, and so  
10 forth. Once in a personal privilege -- privileged  
11 speech that I made, I asserted, "Okay, folks, you say  
12 you're conservatives. You say you're Republicans. You  
13 say you're this, that, and the other, and you're  
14 hanging with this guy. Well, ultimately, you are  
15 setting your own density because he is going to hang  
16 and in rapid succession a big part of y'all are going  
17 to be hung also." (Applause by the audience.)

18                   I believe there was something -- I  
19 believe there was something like 30 members that were  
20 indicted and either plea bargained or went to prison.  
21 The admonish, I have to say is what you wouldn't  
22 ordinarily hear, "Look after your own interest." Six  
23 months from now, if you allow this, those of you who  
24 are up next time have much to fear. Thank you.

25                   CHAIRMAN DUNCAN: Thank you, Mr. Reed.

1 (Applause by the audience.) Senator West.

2 SENATOR WEST: This is just -- is your  
3 son an attorney? Is your son an attorney?

4 MR. DICK REED: Oh, yes. Royce, I have  
5 these ear things, but they're not nearly as good as  
6 yours are.

7 SENATOR WEST: Okay.

8 MR. DICK REED: Rick Reed.

9 SENATOR WEST: Yeah, okay.

10 MR. DICK REED: He's a radical  
11 improvement over his father. He's taller, better  
12 looking, and all of that stuff.

13 SENATOR WEST: He's a former -- former  
14 assistant district attorney.

15 MR. DICK REED: And you have cause to be  
16 concerned about him.

17 SENATOR WEST: Okay. All right.

18 MR. DICK REED: Because he works for  
19 Ronnie Earl.

20 CHAIRMAN DUNCAN: Thanks once again,  
21 Representative Reed.

22 Chair calls Jeff -- Dr. Jeff Cunningham.  
23 Dr. Cunningham, please approach, state your name, and  
24 who you represent. On deck we'll have Walter Travis  
25 and then--we won't use all the baseball terms--Gay

1 Michelle will be after that.

2 DR. CUNNINGHAM: All right. My name is  
3 Jeff Cunningham. I'm from Sulphur Springs, Texas.  
4 I'm, for the sake of disclosure, I am a Republican and  
5 I'm a conservative and I do support redistricting.  
6 However, I want to say before we get started into where  
7 I stand on this, I've heard a lot of testimony, people  
8 insulting a few of the different reps and each other  
9 and I'm --

10 UNIDENTIFIED SPEAKER: Don't start.

11 DR. CUNNINGHAM: I'm already started.  
12 And I don't find anybody's testimony here today I've  
13 heard disingenuous. I found that people are passionate  
14 about what they believe and it's been enlightening for  
15 me to. Even though I'm in favor of this, I can imagine  
16 what it's like sitting in that chair.

17 What I've heard from this is that we all  
18 believe that the other guy is wrong and we're all  
19 right. And what I've heard is that if, you know,  
20 people on this side say, well, I've got a white  
21 representative and he can represent minorities, but  
22 over here I've got a white representative and he can't  
23 represent minorities. So there sounds to be a  
24 political issue in that point. But for those people  
25 that have followed politics like I have in the last few

1 years, if you go down and see Senator Harris work, for  
2 instance, talk to the people at the University of Texas  
3 and they'll tell you that he does represent his  
4 constituents quite well, and I'm not one of them. And  
5 I'll tell you, Senator Duncan, the Chair here also is  
6 known for its independence. These people are  
7 independent thinkers and I'm hopeful they'll listen to  
8 what all we have to say here and be fair to us.

9 My concern with redistricting is this. I  
10 happen to be in favor of it because I don't believe  
11 that it was done -- and I read the attorney general's  
12 opinion, and it seemed to encourage it and I happen to  
13 believe we should do our job. I believe in the will of  
14 the people. And Senator Duncan got in a lot of heat  
15 this time on the elected judges versus appointed  
16 judges. I don't care whether the judges are elected or  
17 appointed. I don't give a dam. I want to see the will  
18 of the people done by the representatives, and that's  
19 why we elected you. That's why you're here. That's  
20 why you're sitting in these chairs. And we need to get  
21 a decision from you. If you draw the same map and hand  
22 it back and say that's the will of the people, then  
23 that's just what you did, but that's what I want to see  
24 done. I want to see our representatives do their jobs.

25 One thing I will say is the map that came

1 out of the House of Representatives yesterday is  
2 unacceptable to me personally. The -- you'll have to  
3 remember that in '91, the map -- and Senator Duncan  
4 will be familiar with this, and most of you will too.  
5 Denton County was in the same congressional district as  
6 Amarillo. And I don't see the communities of interest  
7 are preserved like that at all. And when you influx  
8 say 300,000 voters into northeast Texas as was done  
9 with the House version of the map yesterday, I'm  
10 concerned that the large majority will overrule the  
11 minority. And one thing I'll point out is, senators  
12 here that are lawyers, read the federalist papers in  
13 detail. They're a sure fire cure for insomnia, but if  
14 you can make it through it you'll understand we are a  
15 Republic. And the precedent was set for the big guy  
16 picking on the little guy by the -- what we call the  
17 college of the electorate. The reason that's there is  
18 to prevent large states from overruling smaller states.  
19 I believe that same principle should apply in  
20 legislative redistricting, to protect the interest of  
21 the smaller rural areas of Texas while we're  
22 redistricting. Yes, there's plenty of room for adding  
23 minority districts, minority representation, and I  
24 think we probably should consider that, but if we do  
25 the right thing, the numbers will fall exactly where

1 they're supposed to be. And that's all I'm asking, is  
2 that we do the right thing. Thank you very much.

3 CHAIRMAN DUNCAN: Thank you,  
4 Dr. Cunningham. (Applause by the audience.)

5 Chair recognizes Walter E. Travis.

6 MS. GAY MICHELLE: I thought you said Gay  
7 Michelle. I thought you said Gay Michelle was next.

8 CHAIRMAN DUNCAN: Well, I probably --  
9 you're -- you're next. I'm sorry. We have Walter  
10 Travis, then Gay Michelle, and then Mike Miller.

11 Walter Travis or Mr. Travis, are you  
12 present? Mr. Travis is not present, but would like to  
13 reflect a position against redistricting.

14 Okay. Ms. Michelle. You had a  
15 premonition there, I guess.

16 MS. GAY MICHELLE: I am a psychic.

17 CHAIRMAN DUNCAN: Before you begin let me  
18 announce the other person, though. Behind you is,  
19 again, Mike Miller and behind him is Gordon Peterson  
20 II. State your name.

21 MS. GAY MICHELLE: My name is Gay  
22 Michelle. I am precinct chair, Precinct 2324 in  
23 Mesquite, Dallas County. I am here just representing  
24 myself.

25 I am also a professor of political

1 science, but I promise not to use the word masturbation  
2 or sophistry. (Applause by the audience.) Thank you.

3 I'm against redistricting for all of the  
4 reasons that my fellow Texans have given at these  
5 hearings over the last several weeks, but there are  
6 three things that concern me the most. And first of  
7 all, it is the \$7 million that will be spent when this  
8 goes through the court battle that you know it will.

9 And I am a -- I am a licensed mental  
10 health professional and an adjunct college professor,  
11 and these are two professions that I have first-hand  
12 knowledge of the budget cuts in Austin. And I ask you  
13 that when you think about spending that kind of money  
14 for an unnecessary politically motivated redistricting  
15 effort when our state faces a serious budget shortfall,  
16 that you also think about the thousands of children  
17 that are without health insurance now, the thousands of  
18 AIDS patients that can't afford their medication that  
19 keep them alive, the public school teachers that aren't  
20 going to get a salary increase, the municipalities that  
21 are not and will not be prepared for a terroristic  
22 attack because they don't have enough first responders.  
23 I also ask that you think about the college students  
24 that are trying to get their education at our state  
25 universities and colleges.

1                   I taught a class this morning at Dallas  
2 County Community College District, El Centro College,  
3 which is an intercity college, and this class was twice  
4 the size it usually is, and yet there's still hundreds  
5 and hundreds of our students that are turned away  
6 because the classes are full and they cannot afford to  
7 hire any new teachers and offer new classes.

8                   So I ask that if you think about spending  
9 this \$7 million, that you also think about those Texans  
10 going without health care and their medicine. Cities  
11 going without adequate fire and police protection. And  
12 if you can still, still approve spending that kind of  
13 money, I have to ask you, how do you sleep at night?  
14 (Applause by the audience.)

15                   My second concern is very related to the  
16 first, and that is if you approve this, you will be  
17 setting a very dangerous and expensive precedent. It's  
18 true the Texas Constitution does not forbid that you  
19 redistrict. However, the Texas Constitution does  
20 state, Article 3, Section 28, if you need to look that  
21 up, that the legislature shall at its first regular  
22 session after the publication of the United States  
23 decimal census apportion the State into senatorial and  
24 representative districts agreeable to the provisions of  
25 Sections 25 and 26 of this article. There's a period

1 at the end of that sentence. It does not say  
2 redistricting shall occur after the census or every  
3 time the party and the majority changes. But if you do  
4 push this through, you might as well amend the  
5 constitution to say just that, because once the  
6 precedent is set, I doubt that it will be changed.

7 So when the Democrats regain the  
8 majority, and we will (applause by the audience) you  
9 can --

10 UNIDENTIFIED SPEAKER: Go girl.

11 MS. GAY MICHELLE: You can bet there will  
12 be another map drawn. So you might as well include the  
13 money in all of our future budgets because you're about  
14 to start a very expensive precedent and a tradition.

15 And my last concern has to do with the  
16 voters. As a precinct and election judge, I know how  
17 confusing it is to the voters when we do the census and  
18 draw new maps every ten years, I could just imagine  
19 what the polling place is going to be like if we start  
20 drawing these lines every two years. And I would think  
21 as elected officials you would be wanting to increase  
22 the voter turn-out, not decrease it.

23 In conclusion I'd like to say that from  
24 what I have seen at these hearings that I have  
25 attended, the reports I have read in the newspapers

1 from across the State of Texas, what I've seen on TV  
2 and what I've seen on the live feed from the House  
3 floor on the Internet, I know, it's obvious to me, that  
4 Texans do not want this. I know that Tom DeLay does.  
5 So I have to ask y'all just one question: Who do you  
6 work for? The citizens of Texas or the House majority  
7 leader? Thank you.

8 CHAIRMAN DUNCAN: Thank you,  
9 Ms. Michelle. I appreciate it very much. Are there any  
10 questions for Ms. Michelle? The Chair hears none.

11 Chair calls Mike Miller. Mr. Miller,  
12 please state your name and who you represent. After  
13 you will be Gordon Peterson II, and after him will be  
14 Thomas L. Lolley.

15 MR. MIKE MILLER: Thank you,  
16 Mr. Chairman. My name is Mike Miller and I'm a lawyer  
17 from Marshall, Texas, but I'm not here in my capacity  
18 as a lawyer, but in my capacity as a citizen and I  
19 don't really represent anyone except my family.

20 I want to visit with the Committee  
21 briefly about why I believe that redistricting is not  
22 needed at all. The current plan should be kept. But I  
23 don't want to spend most of my time on that because I  
24 think we've heard those arguments. I want to talk  
25 about a few other things after that. But it is

1 historically unprecedented for the legislative bodies  
2 to redraw districts in other than a census year. We've  
3 had a few corrections involving a few districts, but  
4 this is historically unprecedented and it increases  
5 voter alienation and voter confusion. Right now people  
6 know who their representatives are, and as the last  
7 witness told you, working as a precinct chair, it's  
8 important that people know who their representatives  
9 are because they know them personally.

10                   The final -- the second reason I want to  
11 talk about on why this is not needed is the one that  
12 you've heard over and over again, but it has to be  
13 repeated. And that is, this is needlessly expensive.  
14 And we're not just talking about \$1.7 million, that's a  
15 myth. What we're talking about is \$1.7 million and  
16 then a trial in federal court and then an appeal beyond  
17 that. We're talking about 8 or \$10 million. And if  
18 this state had plenty of excess funds, that would be  
19 okay, but we have the CHIPS programs, which needs  
20 adequate funding, we need more school books for our  
21 kids (applause by the audience).

22                   Teacher salaries, you heard Commissioner  
23 Bain from Cass County stand up here and talk about his  
24 daughter who is a school teacher, and he told you that  
25 her child is on CHIPS. Now stop and think about that,

1 you have a public school teacher who is not paid enough  
2 money that they have to go on public assistance to have  
3 their kids have adequate health care. And we're going  
4 to spend untold sums on partisan redistricting.  
5 Wouldn't that be better to give health care to  
6 Ms. Bane's family, to the Cass County schools?

7                   Suppose this process takes \$10 million,  
8 and I think that's a very conservative figure, because  
9 all the interest groups will have lawyers, the State  
10 will have lawyers, the political parties will have  
11 lawyers. That could immunize a half million school  
12 children. It could buy a million new school books.  
13 You could put 25,000 children on CHIPS. You could  
14 improve mental health and all these other issues.

15                   UNIDENTIFIED SPEAKER: Oh, yes. Yes.

16                   MR. MIKE MILLER: And I want to speak  
17 very briefly in defense of the federal court, the  
18 developed plan 1151. I practice in front of two of  
19 those judges and know the Republican chief judge of  
20 that panel, Judge Higgenbotham. It was procedurally  
21 arrived at in the manner required by federal law and  
22 the supreme court, it was done after a two-week trial  
23 where everyone had an opportunity to cross examine  
24 witnesses and it's a good plan. But above and beyond  
25 that, it is the only plan that you can look anyone in

1 the eye and say, I know this plan is constitutional and  
2 I can tell you without fear of contradiction it will  
3 not lead to needless, expensive, and wasteful  
4 litigation. It has been a preapproved plan. It is  
5 legal, and that can be said of no other plan under  
6 consideration now or in the future.

7 I want to talk, though, because I fear  
8 that my pleas that the current districts be left alone  
9 may be ignored about some issues unique to my part of  
10 the state in East Texas, and I'm glad Senator Staples  
11 was able to join us. The plan that was passed by the  
12 House -- and I talk about this plan not because I  
13 believe this body will accept it as it is, but because  
14 it's typical of the other plans that we have seen. I  
15 come from Harrison County. Right now we have four  
16 rural East Texas congressman, Congressman Sandlin,  
17 Congressman Lampson, Congressman Hall, and Congressman  
18 Turner. Under the plan that was passed by the House  
19 and under most plans that I have seen on the red  
20 viewer, on the website, we end up with one, maybe,  
21 rural East Texas congressman. But people in Hopkins  
22 county where the gentleman just spoke where my father  
23 is from, the dairy farmers in Hopkins County get paired  
24 with a third of a million people from Dallas and Denton  
25 County. People in Bowie, Camp, and Cass and Morris and

1 Upshur counties, the counties just north of me get  
2 paired with 337,000 voters from the Dallas area.  
3 Anderson County gets locked in with people down in Bell  
4 County. And I have a lot of other examples that I can  
5 give you from that of where rural East Texas  
6 communities where things like timber rights, those  
7 sorts of things are important are now locked with  
8 people for whom transportation funding is the biggest  
9 issue.

10 I want to briefly address the Ashcroft v.  
11 Georgia case. It just came out and we in East Texas  
12 where Max Sandlin is my congressman are in what the  
13 supreme court call the minority influenced districts.  
14 We do not have enough minority population in our  
15 counties to be able to elect minority representatives,  
16 but we do -- they do have influence in the process.  
17 And if you'll look at these margins of error -- and  
18 Senator West, you had asked about some population  
19 numbers for those counties, I have those if you'd like  
20 those numbers. We can -- we see that the minorities  
21 are the ones who are able to elect these Democratic  
22 congressmen.

23 I had a few other issues on the image of  
24 the Senate, but I'm not going to get to those, so let  
25 me conclude, if I could, Mr. Chairman, to ask this

1 committee to put the people before their parties, to  
2 put children (applause by the audience) -- put the  
3 children of our families ahead of the child of partisan  
4 politics, put education in front of electioneering, and  
5 put geriatric health care in front of gerrymandering.  
6 (Applause by the audience.)

7 CHAIRMAN DUNCAN: Thank you, Mr. Miller.  
8 There's a question. Senator Gallegos.

9 MR. MIKE MILLER: Yes, Senator .

10 SENATOR GALLEGOS: Mr. Miller -- and  
11 you're from Marshall?

12 MR. MIKE MILLER: Yes, sir, I am. We're  
13 on the extreme eastern border near Louisiana.

14 SENATOR GALLEGOS: And I've heard a bunch  
15 of folks testify already from -- testify already from  
16 East Texas, in and around your area. You're an  
17 attorney, you're an educated person. And what I'm --

18 MR. MIKE MILLER: At least one of those.

19 SENATOR GALLEGOS: We went to Laredo and  
20 Laredo asked them not to be -- they are -- they are --  
21 they asked not to be split.

22 MR. MIKE MILLER: Yes.

23 SENATOR GALLEGOS: And they want to be  
24 the Bowie of their congressional district. We went to  
25 McAllen, they said the same thing. And we were in

1 Corpus yesterday, and basically they're saying the same  
2 thing. I guess what I'm hearing from the majority of  
3 the East Texans that are here, that came to this  
4 hearing, is that you don't want to be -- you want to be  
5 the anchor. You don't want Dallas to be the anchor; is  
6 that correct?

7 MR. MIKE MILLER: Well, sir, yes, sir, in  
8 some sense it is, but let me point out that we have  
9 counties that are of the size that there's no really  
10 such thing as an anchor. Right now Bowie County is the  
11 largest county in Max Sandlin's district with only  
12 80,000 people. Harrison County, my county has about  
13 60. So we have counties of close to equal size. So  
14 there's really no big one anchor.

15 SENATOR GALLEGOS: What I'm saying is you  
16 don't want to travel to Dallas to be able to talk to  
17 your congressman? You've got a congressman out there  
18 right now. Is that what you're saying?

19 MR. MIKE MILLER: Got four of them, yes,  
20 sir. And northeast Texas has one and southwest Texas,  
21 so forth and so on. And it's not just the issue of  
22 travel, it's the issue, as the supreme court requires  
23 in the redistricting litigation, of a community of  
24 interest, the folks in Cass County. I try cases in  
25 Cass County. The folks in Bowie County, I go up there

1 for federal court sometimes. Those counties are very  
2 much like my county, but when you start combining us  
3 with Denton County and Dallas County, when you start  
4 doing the same thing to the folks in Southeast Texas  
5 with Montgomery County and Harris County, those folks  
6 are good folks, don't get us wrong, but their interests  
7 are not our interests. Timber, agriculture, oil and  
8 gas, water supply, those are issues that are unique.  
9 And I fear that the plead not to redistrict may fall on  
10 deaf ears, but if it does occur, we need to make sure  
11 that we are put with people who share our interests  
12 rather than good folks in other parts of the state who  
13 are nice folks but just don't have the same things  
14 close to their heart that we have to ours.

15 SENATOR GALLEGOS: Thank you.

16 CHAIRMAN DUNCAN: Senator Staples.

17 SENATOR STAPLES: Two quick things  
18 because I know we have so many people here tonight.  
19 Yeah, I agree with you, I don't like the proposed new  
20 district from Anderson to Bell. That's a pretty good  
21 stretch. The current congressional District 5, what is  
22 your opinion of the current congressional 5?

23 MR. MIKE MILLER: I -- excuse me. Whose  
24 district is that, sir? I don't know them by number.

25 SENATOR STAPLES: That -- Jeb Hensarling

1 district and includes nine rural counties in with  
2 Dallas today under the current map.

3 MR. MIKE MILLER: I don't know enough to  
4 really speak on that on first-hand knowledge, but  
5 obviously the more compact and contiguous the counties  
6 are without mixing urban and rural, that's excellent.  
7 Now, whether we could have enough population to get  
8 five East Texas district, I rather doubt that. So  
9 there are going to have to be a case here or there  
10 where that may be required to, to do that. It would be  
11 nice if we could do all rural and all urban. I just  
12 don't know if that's such a district or not.

13 SENATOR STAPLES: What about the  
14 current -- in CD1 that splits Nacogdoches County, are  
15 you in favor of leaving Nacogdoches County split?

16 MR. MIKE MILLER: Over all I think the  
17 mischief that would be caused by fixing that one small  
18 problem would be greater than the mischief that will be  
19 open by the redistricting process, but if you look at  
20 the federal court opinion in 2001, the opinion by Judge  
21 Higgenbotham and the two district judges, they pointed  
22 out in that opinion that the law required them to try  
23 to avoid splits, and particularly double splits, and  
24 that the redistricting plan that the court adopted was  
25 the best in the history of Texas for avoiding splits.

1                   So again, it may be under the one man,  
2 one vote standards, a necessary evil from time to time  
3 to split us, may have happened in Nacogdoches. I don't  
4 know the facts on that, but again, I think the better  
5 thing to do is to leave the plan that minimizes splits,  
6 which is the current plan, rather than open up all of  
7 this. And quite frankly, from my brief review of the  
8 plan passed -- passed last night, Plan 1268, there are  
9 far more splits in it than the current plan.

10                   SENATOR STAPLES: Yeah. Thank you.

11                   MR. MIKE MILLER: Thank you,

12 Mr. Chairman.

13                   CHAIRMAN DUNCAN: Mr. Miller, thank you  
14 for your testimony. Thank you for driving over here  
15 from Marshall. We appreciate it.

16                   The Chair recognizes Gordon E. Peterson  
17 II. And on deck will be Thomas L. Lolley, and  
18 following Mr. Lolley will be Jim D. Bush.

19                   Mr. Peterson, state your name and who you  
20 represent, please.

21                   MR. GORDON PETERSON: Howdy, gentlemen,  
22 ladies of the Committee. My name is Gordon Peterson.  
23 I'm representing myself, although I'm also a precinct  
24 chair. I'm also an election judge. I am also a  
25 moderator of the Dallas Democrats Yahoo Group

1 Discussion List.

2                   One of the things I'd like to start out  
3 by pointing out is that we're all really very lucky  
4 that we are here to discuss these issues today.  
5 Clearly the voters are very interested in this issue.  
6 We are here today and able to -- able to express our  
7 opinions and to present ourselves through the  
8 courageous efforts of the heroes of Ardmore who went up  
9 to Ardmore (applause by the audience). These  
10 gentlemen, instead of -- instead of, as has been  
11 alleged by a few people, instead of them advocating  
12 their responsibility as elected officials, they in fact  
13 were doing exactly what they were sent to Austin to do,  
14 and that is to represent the voters that sent them  
15 there, to protect the interests of those voters in the  
16 only way left open to them. Okay. So they were not  
17 evading their job. They were doing their job more  
18 truly, more accurately than anybody else at this time.

19                   Now, one of the things I'll point out is  
20 that, you know, like a lot of us here, I've not been  
21 active in politics for a really very long time. For a  
22 long time I really never understood what the term  
23 gerrymandering meant, but it's become very clear to me  
24 recently what it does actually mean. And this is the  
25 most clear-cut example of it. It's a textbook example

1 of this gerrymandering.

2 Now, remember, if these heroes had not  
3 gone to Ardmore, the original plan that was proposed by  
4 the -- by the Texas legislature would have simply been  
5 steamrolled through. Instead of their --

6 CHAIRMAN DUNCAN: The Texas House.

7 MR. GORDON PETERSON: The Texas House.

8 I'm sorry.

9 Instead of -- instead of their -- instead  
10 of their plan -- instead of there being any kind of  
11 debate or discussion where they said, "Come back and do  
12 your job and let's debate this," there was no debate.  
13 This was going to become passed by the Texas House over  
14 the objection, over the conscious objection of  
15 everybody that was involved. And much like what we are  
16 seeing here, I suspect that the people that are here,  
17 although we're all listening and pretending that we're  
18 doing -- we're going through these motions, what we saw  
19 after the House hearings here in Dallas was that after  
20 a session that started at 9:00 o'clock in the morning  
21 and didn't terminate until about 1:35 in the morning  
22 the next day, the people at the end of it that were  
23 representing people here were actually still -- none of  
24 their opinions had changed.

25 Now, I'll point out that the -- there is

1 this outrageous sham, this outrageous fraud that's  
2 going on here where the people who are supporting  
3 redistricting are pretending that the redistricting is  
4 designed to better represent the communities of  
5 interest and better represent the will of the voters of  
6 Texas. Now, these people, a lot of them are  
7 Republicans, a lot of them I'm sure are very sincere,  
8 but there is a very good explanation for how it is that  
9 this can occur and how they can be -- how they can be  
10 misled into believing that.

11 I work as a computer consultant, ladies  
12 and gentlemen, and in the computer business there's a  
13 story that's told. This dates back about 125 or 150  
14 years about a fellow named Charles Babbage. Charles  
15 Babbage invented one of the first mechanical computer  
16 systems. And this thing was a mess of gears and levers  
17 and pulleys and rods and things and he presented this  
18 as a marvel of the age. And the members of parliament  
19 came to look at this, and no less than two members of  
20 the British parliament asked Dr. Babbage, they said,  
21 "Pray, Dr. Babbage, this different engine of yours, if  
22 you put the wrong numbers into it, will it still  
23 produce the correct answers?" Well, clearly after  
24 Dr. Babbage walked away shaking his head, he commented  
25 that it was hard to imagine the nature of confusion of

1 ideas that could even provoke a question like that.

2                   There are a lot of people who vote  
3 Republican simply because they are kept in a state of  
4 ignorance by a very biased press, which we are now  
5 seeing -- (applause by the audience.) We are now -- we  
6 have seen in the last -- within the last month we've  
7 seen the quid pro quo payback for that bias in terms of  
8 the Federal Communications Commission removing the  
9 limitations on monopoly media ownership, which is  
10 something that will guarantee that the people who  
11 are -- who are supporting some of the illegitimate  
12 things that we've seen come out of Washington and out  
13 of the recent presidential election will continue to  
14 influence the public -- continue to lie to the public.

15                   In fact, the only community of  
16 interest -- the only community of interest that is  
17 truly being represented by this redistricting plan is  
18 the Republican parties' political interest. That's the  
19 only community of interest that seems to matter.

20                   The last time -- if this plan is put into  
21 effect, the last time the interest of large percentages  
22 of Texas people will be represented is at election day  
23 when they go to the voting booth and where their  
24 position is heard and that's the last representation  
25 they're going to have.

1                   So in general, this is something we've  
2 got to understand that people have to be told the  
3 truth. One of the reasons we have the Dallas Democrats  
4 Yahoo Group is so that people can be told the truth  
5 about what's going on in our country, they can bypass  
6 some of the limitations of the traditional broadcast  
7 and print media. It's really important that people  
8 become aware and they become politically active and I  
9 urge you, as so many -- as so many of these other  
10 people you have here today, please do the right thing.  
11 You have -- you've attended these other meetings. I  
12 presume that the turnout at these other meetings have  
13 reflected what we've seen here. The overwhelming  
14 turnout at these meetings have been of people who are  
15 against redistricting.

16                   Who are you going to follow? Are you  
17 going to follow the people who you're supposed to be  
18 representing? Are you going to follow the political  
19 party who is supposed to represent the people? Thank  
20 you. If there's any questions I'll be glad to answer  
21 them.

22                   CHAIRMAN DUNCAN: Thank you,  
23 Mr. Peterson. Members, are there any questions for  
24 Mr. Peterson?

25                   Thank you. Appreciate your testimony.

1                   Chair recognizes Thomas L. Lolley. And  
2 on deck will be Jim D. Bush.

3                   Mr. Lolley, would you approach, state  
4 your name and who you represent? And the next witness  
5 after Mr. Bush will be Sue P. Williams. Thank you.

6                   MR. THOMAS LOLLEY: Good evening,  
7 Mr. Chairman, esteemed Members of the Committee,  
8 honored guests and fellow patriots. My name is Thomas  
9 L. Lolley. I'm a 44-year-old school teacher in the  
10 Dallas Independent School District. I reside at 4309  
11 Kettering Avenue in Garland, Texas. I've been a  
12 resident of Dallas County for 20 years. I am not now  
13 and have never been a member of any political party. I  
14 come before you today as a private citizen, not as a  
15 political partisan. I don't care which party has how  
16 many seats in the Congress. I do care about prudent  
17 and efficient government.

18                   My concerns about the current  
19 redistricting effort are illegal. Our state  
20 constitution spells out very clearly how the  
21 reapportionment process is to take place. I won't read  
22 the quote again that the young lady gave you earlier  
23 from Article 3, Section 28 about the redistricting  
24 taking place after each decennial census.

25                   I have another concern about the

1 rationale for this redistricting being based on party  
2 affiliation. In Article 3, Section 26 of our Texas  
3 Constitution, apportionment of Members of House of  
4 Representative, if I may read that to you, "The Members  
5 of the House of Representatives shall be apportioned  
6 among the several counties according to the number of  
7 population in each," end quote. There is no mention in  
8 our constitution of basing redistricting upon party  
9 affiliation. (Applause by the audience.)

10 Now, ladies and gentlemen, I am not a  
11 lawyer. I have no legal training, but the Texas  
12 Constitution is a very clearly written document. It's  
13 a -- it's an excellent example of the Democratic  
14 process and its language is pretty clear. I think it's  
15 inevitable that there will be a severe ongoing  
16 expensive legal challenge to this if this is done.  
17 There is no doubt at all.

18 And the last point I'd like to make, if  
19 this redistricting does survive the inevitable legal  
20 challenge, you are opening up a huge can of worms here.  
21 We're going to go through this mess every two years in  
22 good budget times, in bad budget times, when the  
23 Republicans are in power and when the Democrats are in  
24 power. And we're going to do it over and over. It's  
25 going to cost us a lot of money. We're going to lose

1 our sense of bipartisanship. I have to tell you that I  
2 do not support the current administration, but I had a  
3 tremendous amount of respect for him as the governor of  
4 this state because he worked very hard to work with  
5 everybody. He always presented the front that he  
6 respected everyone no matter what their political  
7 affiliation. He wanted to work with everybody.

8 And gentlemen and ladies, I do not mean  
9 to be disrespectful, but I am an independent -- I am  
10 what they call a swing voter, and they're going to have  
11 to make up a new term for people like me in 2004.  
12 They're going to call us boomerang voters. Thank you  
13 very much. (Applause by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Lolley.  
15 Any questions for Mr. Lolley?

16 The Chair recognizes Jim D. Bush.  
17 Mr. Bush, would you please approach, state your name  
18 and who you represent? Next up will be Sue P. Williams  
19 and following that will be John Lahue.

20 MR. JIM BUSH: My name is Jim Bush and  
21 I'm a resident of Waxahachie and just representing  
22 myself.

23 First of all, I'd like to say that I  
24 think the House hearings were a farce. And I hope that  
25 these hearings are not a farce because I do not wish to

1 participate in a farce. It's very clear that Governor  
2 Rick Perry and his Republican cohorts acting at the  
3 behest of Congressman Tom DeLay have no real interest  
4 in what we the people think or desire. This totally  
5 partisan gerrymandered redistricting scheme serves one  
6 master only and that master is greed.

7                   While the State of Texas is billions of  
8 dollars in the hole and critical services are starved  
9 for money, Governor Perry has insisted on wasting  
10 nearly \$2 million of much needed state funds to try and  
11 cram Tom DeLay's greedy power grab down our throats.

12                   As a writer to the Dallas Morning News  
13 recently asked, "Why isn't this money being spent on  
14 educating our children or helping senior citizens get  
15 health care?" Why indeed. The same Republicans who  
16 decided we don't have the money to fund children's  
17 health care and education are ready and willing to  
18 spend millions of taxpayer dollars to give DeLay his  
19 greedy way.

20                   Republicans are already the dominant  
21 party in Texas, so maybe they should explain why such a  
22 percentage of residents are unable to find worthwhile  
23 employment. Why are homeowner costs skyrocketing? Why  
24 are insurance rates running rampant? Why are first  
25 response teams in need of vital equipment? Why are

1 congested roads in such drastic need of repair? Why is  
2 our air unfit to breathe? Maybe if Tom DeLay, Rick  
3 Perry, and their Republican comrades weren't so busy  
4 grabbing power in order to better serve their corporate  
5 sponsors they would have more time and money to serve  
6 the people. (Applause by the audience.)

7 I could go on how to describe -- I could  
8 go on to describe how the redistricting scheme splits  
9 communities and denies fair representation to rural  
10 areas and small towns. I could point out how minority  
11 communities would be disenfranchised. I could remind  
12 you that the U.S. Supreme Court has already ruled that  
13 the current plan is constitutional. I could say that  
14 prior to this year no legislature in the country has  
15 redrawn congressional lines in the middle of a decade  
16 unless ordered by the court, but you already know all  
17 of this. And surely deep inside you must know that  
18 this redistricting scheme is not about serving the  
19 people of Texas. It is not about fairness. It is  
20 about one thing only, and that is greed.

21 As an afterthought, I'd like to say that  
22 I think one positive thing is coming from these  
23 hearings. I think you have managed to do the almost  
24 impossible, and that is to energize the progressive  
25 base of this state and for that I thank you. (Applause)

1 by the audience.)

2 CHAIRMAN DUNCAN: Thank you, Mr. Bush.

3 The Chair calls Sue P. Williams.

4 Ms. Williams. And after Ms. Williams will be -- excuse

5 me -- the Chair calls Sue P. Williams. And on deck

6 will be John Lahue and Randy Ray Bailey.

7 Sue Williams, are you in the audience?

8 Ms. Williams is apparently not present. Let the record

9 reflect that Ms. Williams has registered a position

10 against redistricting.

11 The Chair calls John Lahue. Mr. Lahue,

12 are you in the audience?

13 UNIDENTIFIED SPEAKER: In the other room.

14 CHAIRMAN DUNCAN: Well, the suggestion is

15 that these persons may be in the other room, but we're

16 calling people three at a time so that they've had

17 plenty of notice. If they show up later we can call

18 them.

19 Okay. I'm advised that the other rooms

20 have -- are now vacant, but if you know where these

21 people are and if they've called -- if we call their

22 name and they're out of the room, well then tell them

23 to come in and we'll get back to them.

24 John Lahue. Is Mr. Lahue present?

25 Mr. Lahue is not present, but represents that --

1 registers a position against redistricting.

2 The Chair recognizes Randy Ray Bailey.

3 Is Mr. Bailey in the audience? Let the record reflect  
4 that Mr. Bailey is not present, but has registered a  
5 position against redistricting.

6 The Chair recognizes Fernando Argumanez,  
7 Jr. Is Mr. Argumanez in the audience? Let the record  
8 reflect that Mr. Argumanez is not present, but  
9 registers a position against redistricting.

10 The Chair calls Scott Williams. Is  
11 Mr. Williams in the audience? Let the record reflect  
12 that Mr. Williams isn't present, but registers a  
13 position against redistricting.

14 The Chair recognizes Jeff Beck. Mr. Beck  
15 approaches. Behind Mr. Beck will be Marvin J. West.  
16 And then behind Mr. West will be Constance Jahn,  
17 J-a-h-n, Jahn. We'll -- I don't know if I got that  
18 right or not. We'll find out.

19 Mr. Beck, state your name and who you  
20 represent.

21 MR. JEFF BECK: My name is Jeff Beck and  
22 I hope to represent sensible people in the audience.

23 If I may say so, I have a few quick  
24 points. First I'd like to say that I am a teacher in  
25 the Fort Worth Independent School District. This will

1 be my third year coming up. And of course, most of my  
2 students have to row into my classroom because my  
3 ceiling tiles collapse whenever it rains because the  
4 roof is apparently made out of paper mache, but that  
5 notwithstanding, I think it's a really great expense  
6 that we're going through right now in order to do this.  
7 Note the sarcasm.

8 All right. I have a couple of quick  
9 points. First, I would like to say that there's a  
10 precedent you're setting here. My mother was recently  
11 on a flight with a Republican, New Mexico state  
12 senator, and she said that people are watching what is  
13 going on in Texas and all 49 other states to determine  
14 what they will do in the future. And I do not want to  
15 see a system where from Alaska to Florida to Maine we  
16 have redistricting going on constantly instead of after  
17 the traditional decennial census every single time the  
18 State House changes hands, which is going to happen  
19 frequently.

20 We do not want to have to go through this  
21 every two years. There's a reason that we have set it  
22 up this way and it is not for the political power grab  
23 of certain people to alter. That is absolutely  
24 unconscionable. (Applause by the audience.)

25 Next, I've heard that this is -- Tom

1 DeLay's rationale for this is that 54, 56 percent of  
2 people voted for a Republican representative in 2002  
3 and that the percentage of districts should be the  
4 same. That's ridiculous. There are six congressional  
5 districts in Oklahoma all occupied by Republicans, and  
6 I don't think 100 percent of the state votes  
7 Republican. I'm sure there's at least two or -- well,  
8 there's probably about 20 percent Democrats at least in  
9 that state, and yet they have no representative even  
10 though they have six seats. So this percentage  
11 argument is absolutely ridiculous. It doesn't hold up.  
12 If you believed in that percentage argument, you'd have  
13 to believe that our electoral college system is  
14 ridiculous because obviously we'd be talking about  
15 President Gore's trip to Africa, not President Bush's  
16 trip to Africa. (Applause by the audience.)

17 Thirdly -- thirdly, there is a pattern  
18 here which is very, very scary and that is when the  
19 GOP, the grand old party doesn't like the way things  
20 have turned out, it wants to change the rules. If you  
21 look in California and what they're trying to do to  
22 Governor Gray Davis there with the recall. If you look  
23 at the way they try and change the filibuster rule in  
24 the Senate because it doesn't agree -- it doesn't -- it  
25 doesn't jibe with what they want and they want to

1 change the rules. And if you look at redistrict in  
2 Texas what you will see is a pattern. And obviously,  
3 they're giddy because they're in power now. They are  
4 giddy because they've got control of the Supreme Court.  
5 They have got control of the White House. They have  
6 got control of the Congress, many of the State Houses  
7 and governor's mansions, and they are giddy with power.  
8 And as we all know, they obviously have the mentality  
9 that might makes right because they want to disregard  
10 precedent and disregard the way things have done just  
11 so that they can accomplish Tom DeLay's political power  
12 grab for short-term gain. And this might make right  
13 mentality -- (Applause by the audience.) This might  
14 makes right mentality, we have a word for that in the  
15 annals of modern history, and although there's plenty  
16 of racism that has occurred in this current plan that  
17 Tom DeLay has put forth, racism is not the word I would  
18 use. Whenever people believe that might makes right,  
19 there is another word I use, and that word is fascism.  
20 (Applause by the audience.) And whenever I see this  
21 occur, I'm not going to stand for it. My fellow Texans  
22 aren't going to stand for it. And the American people  
23 should not stand for it.

24 Do not blacken your names by being  
25 associated with it in history, please, I beg you.

1 Thank you. (Applause by the audience.)

2 CHAIRMAN DUNCAN: Thank you, Mr. Beck.

3 Any questions for Mr. Beck?

4 Chair calls Marvin Wiss. Mr. Wiss.

5 After Mr. Wiss will be Constance Jahn.

6 MR. MARVIN WISS: I'm Marvin Wiss. I

7 live in Garland and I speak only for Marvin Wiss.

8 This is a lengthy debate we're having  
9 here today, but not nearly as long as the record holder  
10 in the United States. Fifty-five men gathered on May  
11 25th, debated until September 17th in 1787, and what  
12 they developed was called the United States  
13 Constitution. John Madis- -- yeah, John Madison was  
14 later called and known as the father of the  
15 constitution. George Washington presided. Ben  
16 Franklin was there at his old advanced age for every  
17 session, but Madison became the father of the  
18 Constitution because Madison introduced most of the  
19 provisions in the Constitution. When it came to  
20 Section 2 of Article 1 of the Constitution, as with all  
21 resolutions presented, it was referred to Governor  
22 Morris of Pennsylvania for the drafting of the language  
23 of that particular provision. He drafted the entire  
24 Constitution. When it came to that section, he came up  
25 with what is now the language that we're discussing,

1 redistricting. It called for the annual allocation of  
2 congressional representatives based on pop- -- on  
3 population following each ten-year census. And it says  
4 that there will be one allocation following the  
5 enumeration of population.

6 Now, it does not refer to Texas or Texas'  
7 situation or into inter -- inner state redistricting.  
8 However, it is believed that Madison asked Governor  
9 Morris, "Why do we limit it to just that?" And it's  
10 believed the answer was, "We didn't. We didn't  
11 eliminate that. It's implicit." It says that the  
12 Congress will be made up of people by apportionment  
13 once every ten years. So not only do we have it in the  
14 Texas Constitution, we have it in the American  
15 Constitution that that should take place.

16 Now, you gentlemen and ladies, Senators,  
17 abrogated your responsibility in 2001. You said, "No,  
18 we're not going to do our duty." And you said, "Let  
19 the courts do it." So the courts did it. One time in  
20 ten years. There is no justification of it.

21 Incidentally, about that gathering in  
22 Philadelphia, when they -- it was all over, Benjamin  
23 Franklin was asked by a friend, "What have you  
24 wrought?" Franklin responded, "A Constitution, if you  
25 can keep it." Don't trod on the Constitution. Thank

1 you.

2 CHAIRMAN DUNCAN: Thank you, Mr. Wiss.  
3 Appreciate your testimony. Are there any questions of  
4 Mr. Wiss? Chair hears none.

5 The Chair calls Constance Jahn or Jahn,  
6 J-a-h-n. Jahn. Okay. I'm learning. In the last  
7 seven cities I've learned how to pronounce a lot of  
8 names. Sometimes I get it right, sometimes I don't.

9 MS. CONSTANCE JAHN: My ex Anglicized it  
10 to Jahn, but anyway.

11 CHAIRMAN DUNCAN: Okay.

12 MS. CONSTANCE JAHN: I just feel like  
13 we're being disenfranchised. I feel like in Florida we  
14 were disenfranchised. The court made our decision for  
15 us. We voted one way and our division was made for us  
16 against what the popular vote was and now they're  
17 trying to do it to us here. Rather than have the  
18 voters elect somebody, they're going to -- they're  
19 going to assign districts so they can actually control  
20 the voting.

21 CHAIRMAN DUNCAN: Believe it or not, I  
22 need to get you to say your name first.

23 MS. CONSTANCE JAHN: Oh. Constance Jahn.

24 CHAIRMAN DUNCAN: Okay. I didn't get it  
25 for the record. I'm sorry. Go ahead and --

1 MS. CONSTANCE JAHN: That's about all  
2 I've got to say. (Applause by the audience.)

3 CHAIRMAN DUNCAN: Well, I appreciate your  
4 testimony. Is there anything else that anyone would  
5 like to ask of Ms. Jahn?

6 Thank you, Ms. Jahn. Appreciate it.  
7 Chair recognizes David E. Wilkins. Mr. Wilkins, are  
8 you in the audience? Thank you.

9 As Mr. Wilkins approaches, we'll have  
10 Bonnie Wink. And after that, Eddie Reyes.

11 MR. DAVID WILKINS: Thank you,  
12 Mr. Chairman.

13 CHAIRMAN DUNCAN: Thank you.

14 MR. DAVID WILKINS: My name is David E.  
15 Wilkins and I reside in Dallas County and I'm  
16 representing the Dallas County Young Democrats. And --  
17 and I stand here opposed to redistricting.

18 I -- I'm sure you've heard this all day  
19 today, but I'll reiterate the points. Redistricting  
20 has only ever occurred in this state since the era of  
21 redistricting opened. To replace an illegal map --  
22 when we talk about redistricting occurring because  
23 there's a court order, what a court order means is that  
24 it's replacing an illegal map. This map is not  
25 illegal. So, okay, if the legislature wants to replace

1 it, I'm sure the people of the State of Texas are going  
2 to ask you, what's your compelling interest? What's  
3 the interest of the people of the State of Texas in  
4 replacing this map? I imagine the courts are going to  
5 ask the same thing. The only justification that I've  
6 heard is that because 56 percent of the voters and the  
7 aggregate of the vote of one particular election one  
8 time voted Republican, that creates a compelling  
9 interest for -- the districts should be redrawn so that  
10 64 percent of the districts are Republican. Well,  
11 how -- I don't understand how that's a compelling  
12 interest for the voters of the State of Texas. If the  
13 argument is that Texas voters are conservative, and I  
14 would agree that probably most of them are  
15 conservative, they're already represented by  
16 conservatives. Not only are the current districts in  
17 place giving you 20 Republican districts, but five of  
18 those Republican districts are represented by  
19 conservative Democrats. That's who you're targeting,  
20 is conservative Democrats. Those Democrats, if you get  
21 them out and replace them with Republicans, by and  
22 large it's not going to change the vote totals in  
23 Congress. It's just going to change the totals of the  
24 dele- -- of the caucuses.

25 So the only -- the only person this is

1 benefitting is Tom DeLay. It's not benefitting the  
2 people of Texas. What benefit is there in replacing --  
3 how -- what material change is there for the people of  
4 Texas in replacing Ralph Hall with a Republican?  
5 You're not going to get anybody who's more conservative  
6 than Ralph Hall. You've got someone -- you've got  
7 someone who voted for the impeachment of President  
8 Clinton already, and he's a Democrat, that only  
9 benefits the Republican argument. You've got someone  
10 who -- you've got -- you're targeting five people, most  
11 of whom voted for President Bush's tax cut. Some of  
12 them voted for President Reagan's tax cut.

13                   So the only benefit -- the only benefit  
14 to anybody is to Tom DeLay, to increase his -- his  
15 number in his caucus. So I don't understand how  
16 that -- I don't understand how your -- your -- I don't  
17 understand what the compelling interest for the people  
18 of Texas is. The people of Texas are already sending  
19 people to Congress that represent them. They're  
20 sending people to Congress that are already  
21 representing the will of the majority of the people of  
22 Texas. You're spending -- at a conservative estimate,  
23 you're spending \$10 million to replace five Democrats  
24 who are sitting in five Republican districts already.  
25 Why -- why -- instead of spending the taxpayers' money,

1 why don't you go out, get the Republican party to raise  
2 \$10 million, that's not very difficult, you can send  
3 George Bush to one fund raiser, divvy up the money,  
4 spend \$2 million per campaign, five -- find five real  
5 candidates, it shouldn't be too hard, but I guess it  
6 must be, and then run them and win those districts.  
7 They're already Republican districts.

8                   So I just don't understand what the  
9 compelling interest is. I don't know understand why  
10 we're going to waste the taxpayers' money in doing  
11 this.

12                   On a -- on a partisan note, I want to say  
13 that I want to thank the Republican House for doing my  
14 job for me. Y'all have energized the base in Dallas  
15 County, for the Dallas County Young Democrats more than  
16 I could've ever hoped to have done. Thank you,  
17 Senators, for your time.

18                   CHAIRMAN DUNCAN: Thank you, Mr. Wilkins.  
19 Any questions for Mr. Wilkins?

20                   Chair recognizes Bonnie Wink. Bonnie  
21 Wink.

22                   UNIDENTIFIED SPEAKER: She left.

23                   CHAIRMAN DUNCAN: Ms. Wink is not present  
24 in the audience. Let the record reflect that Ms. Wink  
25 has indicated and registered a position against

1 redistricting.

2                   The Chair recognizes Eddie Reyes.

3 Mr. Reyes, are you in the audience? Let the Chair --  
4 or let the record reflect that Mr. Reyes is not  
5 present, but wishes to register a position against  
6 redistricting.

7                   The Chair recognizes Michael C. Rawlins.

8 Is Mr. Rawlins present in the audience?

9 Mr. Rawlins, would you please approach, state your name  
10 and who you represent?

11                   While he approaches, our next witness  
12 will be Billy J. Walker and following that Lee  
13 Saldivar.

14                   Mr. Rawlins, thank you. State your name  
15 please.

16                   MR. MIKE RAWLINS: Thank you. My name is  
17 Mike Rawlins. I'm a resident of Richardson, Texas and  
18 of Collin County. I do have some prepared remarks  
19 which I can leave with the clerk, if that is of any  
20 help.

21                   CHAIRMAN DUNCAN: Rock concert.

22                   MR. MIKE RAWLINS: I do have a few things  
23 to say other than my prepared remarks, though. I'd  
24 like to just set this a little bit in context by  
25 remembering the words of some of our founding fathers.

1 Thomas Jefferson said in 1809 that the care of human  
2 life and happiness, and not their destruction, is the  
3 first and the only legitimate object of good  
4 government.

5 Mr. Chairman, and honorable senators, I  
6 would ask that you keep that in mind as a yardstick  
7 when you consider what you should do about  
8 redistricting now.

9 By now I'm sure you've heard all of the  
10 several arguments both for and against redistricting,  
11 although by my count, only say one and a half are  
12 actually for it. And I suspect that you actually  
13 basically come down to agree with either of those  
14 positions, not on the conclusions that have been  
15 presented, but instead on two opposing premises. And  
16 those premises are -- I mean, with all respect to the  
17 open-mindedness of the Senate, what we've seen from the  
18 House, is that these premises come down to either that  
19 the Republicans should have more seats or that the  
20 lines are just fine as they are and should be left  
21 alone.

22 I'd like to rise above some of these  
23 partisan concerns and ask you to consider some  
24 arguments on a more nonpartisan basis, that anybody who  
25 really cares about good cost-effective and a

1 representative government should find that whole true  
2 with that. First, a redistricting effort like this, an  
3 interim effort in between censuses that is not mandated  
4 by court order is going to likely have the effect of  
5 disenfranchising moderate voters of which I am one.  
6 And I feel disenfranchised in the district that I live  
7 in, which is a predominantly conservative Republican  
8 district. And, no, I've not done the research on this.  
9 I'm sure that you all, from your own experience and  
10 from common sense and from whatever research you can  
11 pull together to do, will show you that most voters  
12 actually fall somewhere in that broad middle. They're  
13 conservative on some issues. They're liberal on  
14 others. They're right in the middle on others, which  
15 except for a few partisan extremists on both sides,  
16 most people really kind of fall in the middle.

17                   Partisan redistricting efforts, of which  
18 we have to admit that this effort clearly is, tend to  
19 pack voters all together in districts that are  
20 denominated by one party or another. And I know from  
21 your experience, we can see this in the U.S. Senate, in  
22 the House, such districts, such composition in these  
23 bodies tends to produce more partisanship, more extreme  
24 positions and really cuts out the voice of the  
25 moderates.

1                   James Madison, also one of our great  
2 founding fathers, as you know, said that the public  
3 good is disregarded in the conflicts of rival parties.  
4 In an era where we are faced with a closely divided  
5 electorate, what we are seeing now is an effort driven  
6 by certain people to increase the partisanship. That,  
7 Senators, is unconscionable and cannot be called  
8 anything other than undemocratic.

9                   Secondly, the overall effect of such a  
10 redistricting will have, I am sure, that will be an  
11 impediment to a good cost-effective government, is to  
12 throw us into, as some have mentioned, a continual  
13 cycle of redistricting. And please do not be fooled or  
14 fool yourselves, that this is only going to happen  
15 here. Texas is not the first state. We've already  
16 seen a partisan effort happen in the recent session in  
17 Colorado. It's going to happen in other states.

18                   I ask you to stop it here. You have  
19 national visibility. The eyes of Texas and the country  
20 are upon you. I implore you to do the right thing and  
21 stop it now. Thank you.

22                   CHAIRMAN DUNCAN: Thank you,  
23 Mr. Rawlins. Are there any questions for  
24 Mr. Rawlins? Chair hears none. Thank you for your  
25 presence here today.

1 Chair recognizes Billy Walker.

2 Mr. Walker, please state your name. And before you do  
3 that, though, on deck will be Lee Saldivar. And behind  
4 Mr. Saldivar will be Eddie Peavyhouse.

5 Go ahead, Mr. Walker. Thank you.

6 MR. BILLY WALKER: Thank you,  
7 Mr. Chairman. My name is Billy Walker and I live in  
8 Irving, Texas. The only person I represent here is me  
9 today and I'm not happy to be here and I'm not happy to  
10 see y'all here. (Applause by the audience.) You  
11 people I do feel sorry for to a degree. We should have  
12 Tom DeLay and Rick Perry and George W. Bush sitting up  
13 there at that table. They've sent you out here to take  
14 their heat. They've sent you out here to sell a  
15 program that they're afraid to come and sell.  
16 (Applause by the audience.)

17 Do you hear me, Mr. Chairman?

18 Ms. Shapiro? Do you hear me, Mr. Averitt? All of  
19 those members of this Senate and this Committee, I'm in  
20 opposition to this proposal that's being perpetrated  
21 upon me. As one of your constituents, one of your  
22 constituents, I oppose this proposal. I will not argue  
23 the merits of this proposal. It's disguised and does  
24 not have the dignity of a legitimate proposal.  
25 (Applause by the audience.)

1                   I stand in opposition to a corrupt  
2 politician from Washington who in fear of his own  
3 political security has perpetrated this fraud upon us.  
4 He came in the dead of the night to my state, solicited  
5 the collaboration of my representatives and he thrust  
6 this redistricting proposal in our laps and I do not  
7 appreciate it. There's many in this state, my Texas,  
8 that's of the same mind set. (Applause by the  
9 audience.)

10                   I rise -- I rise in opposition to a  
11 government who would divide our people into categories,  
12 Republicans and Democrats. I remain in opposition to  
13 those who'll further divide us into groups represented  
14 by white, black, brown, and yellow. They call us "you  
15 people." I stand in opposition to corrupt politicians  
16 of any persuasion who regard constituents with contempt  
17 with remarks like rude and obnoxious people. I oppose  
18 you. Your betrayal of your constituents and colleagues  
19 are beneath contempt and your days in office are  
20 numbered. (Applause by the audience.)

21                   Are you listening, Mr. Bush? Are you  
22 listening, Mr. DeLay? Mr. Perry, do you hear me?

23                   And any corrupt politician or corrupt  
24 official, your days are numbered. (Applause by the  
25 audience.) You cannot buy my State House nor my White

1 House. My government is not for sale. Your money is  
2 being wasted and better spent in your communities that  
3 are in need. Your corrupt policies have drained our  
4 budget. Yes, you boast about the millions of dollars  
5 you've raised with \$2,000 hot dogs. (Applause by the  
6 audience.) Your money is tainted and will do no good  
7 as long as one brother or sister is in need in our  
8 nation.

9 I've heard the words of my black brothers  
10 and sisters, my brown brothers and sisters. I join  
11 with them in this struggle against this corrupt power  
12 mad administration and what it represents to my state  
13 and my nation. I'm madder than hell. (Applause by the  
14 audience.)

15 You return to Austin, take this message  
16 to that corrupt administration in my State House, you  
17 tell them for me, I'm Bill Walker, a constituent. I'm  
18 your worst nightmare. (Applause by the audience.)  
19 Your days of illegitimate occupation of my capitol is  
20 no longer tolerable with me and I will expose you,  
21 whichever party you're affiliated with. Your days of  
22 corrupt betrayal are numbered. You cannot hide from  
23 me. I'm a voter. (Applause by the audience.) Your  
24 cowardly effort to divide my state and my nation by  
25 this contemptible redistricting plot must be defeated

1 and I do not thank you for your attention. (Applause by  
2 the audience.)

3 CHAIRMAN DUNCAN: Are there any  
4 questions? Thank you.

5 Chair recognizes Lee Saldivar.

6 MR. LICO REYES: My name is Lico Reyes  
7 and I was asked to come up --

8 CHAIRMAN DUNCAN: Mr. Saldivar, hang on  
9 just one second. Behind you will be Mr. Eddie  
10 Peavyhouse. And then Mr. Peavyhouse will be --  
11 sorry -- Kelly Hinton. Oh, this is Mr. -- okay.

12 MR. LICO REYES: Lico Reyes.

13 CHAIRMAN DUNCAN: Oh, Mr. Reyes. Oh,  
14 you're back. Okay.

15 MR. LICO REYES: I was right outside.

16 CHAIRMAN DUNCAN: Okay. Well, would you  
17 state your name for the record, please?

18 MR. LICO REYES: Yes. First of all,  
19 thank you so much, distinguished committee of the  
20 jurisprudence, committee of the Senate of the State of  
21 Texas, and my honorable boss, Royce West, because I --  
22 although I am not here representing him, I am on the  
23 criminal justice -- Criminal Justice Advisory Committee  
24 for Mr. Royce West, my college buddy from UTA.

25 And I didn't get that part for being his

1 buddy. It's because I witnessed in the profiling bill  
2 last year, that's the last time I stood before this  
3 honored body, and I want you to know that the profiling  
4 bill passed on my witnessing. And I hope that this  
5 redistricting is defeated on my witnessing today.

6 (Applause by the audience.)

7 I understood that at 7:00 p.m., Monday,  
8 they were going to start the redistricting process and  
9 I understand they were going to lollipop promises to us  
10 of seven Latino voting districts, you know, 7-7. I  
11 call these the seven DeLay deadly sins because they're  
12 both fictitious because Hispanics naturally and  
13 normally vote Democratic because the Democrats usually  
14 stand for my civil rights.

15 UNIDENTIFIED SPEAKER: Excuse me. I take  
16 exception. I'm Hispanic --

17 MR. LICO REYES: I said "usually." I'm  
18 sorry.

19 I am the civil lights man of the year for  
20 2001 national for LULAC. (Applause by the audience.) I  
21 am here representing LULAC International Council. Now,  
22 I don't stand here before you as a Republican, of  
23 course. And I do not stand here as a Democrat. I  
24 stand here as a civil rights advocate, a protector and  
25 defender of the many minority peoples assembled in this

1 room. Some of the LULAC leaders that we have are also  
2 Republicans and they are also against this obvious,  
3 devious and divisive, abrasive power grab by Tom DeLay  
4 the terrible.

5 I want you to know that my rights are  
6 safeguarded by those who right now represent my color  
7 of character. I don't want to be represented by any  
8 Hispanic, any Mexican, or any black. I don't want to  
9 be represented by an oreo or a cookie. You know what  
10 kind of cookie I'm talking about, a coconut cookie.

11 Leave the map approved by the U.S.  
12 Department of Justice. It complies with the 2000  
13 census and upholds the noted and prominent rise of  
14 Hispanics in this state and nation, this land that used  
15 to belong to us, to the Aztecs, to the Incas, to all  
16 the Indians. The current map helps minorities  
17 coalition elect minorities of their choice with our own  
18 values in our own primaries. It gives us minority  
19 opportunity Districts 24 and 30, districts in which  
20 Tony Sanchez and Ron Kirk handily won.

21 This whole redistricting fiasco is a  
22 planned attack on those who now valiantly protect our  
23 civil rights. Some of the same parties' leaders, my  
24 friend Lieutenant Governor Bill Ratliff, as well as the  
25 current lieutenant governor have boldly decried this

1 harsh, vile and desperate, voracious power grab. It's  
2 a horrible effort and if this is successful, minority  
3 districts will be packed sardine-like into safe  
4 minority dishes.

5 I want my amigo Martin Frost to represent  
6 me. I want to vote for him. (Applause by the  
7 audience.)

8 It will cost Texas, as you've heard  
9 zillions of times, \$7 million to revisit redistricting.  
10 In 2003 the children of our state were denied millions  
11 of dollars because the T.E.A. fraudulently --  
12 fraudulently reported percentage rates and numbers of  
13 the drop-out. Those numbers do not coalesce with the  
14 federal mandate. It's the educational genocide of our  
15 children that I want to protect, and that's where the  
16 \$7 million should go. They are our state's greatest  
17 resource. And I quote Carolyn Keeton Rylander,  
18 Republican of Texas, the comptroller, who said this to  
19 me in a letter that she wrote to me personally.  
20 "Experts and politics and human behavior are saying  
21 that these actions of Tom DeLay are prompting anxiety,  
22 anger, and violence amongst us and creating a racial  
23 social and economic divide, the like of which Americans  
24 have yet to see." I am a victim of that vile  
25 phenomenon, because during the days of the Killer D's

1 exodus in the famous -- the famous holiday in Oklahoma,  
2 I personally was assaulted by one of the blue-coated  
3 House Sergeant of Arms assistance. This happened just  
4 before I addressed the masses at the steps of the  
5 capitol. I reported this to the assistant Sergeant at  
6 Arms to yours and as well as the House, and he said,  
7 "My gosh, I'm surprised. This is a very quiet and  
8 peaceful gentleman." Which brings me to the very  
9 point, that if individuals who are gentle and kind are  
10 moved to passionate frame of mind and lead to an  
11 assault of a civil rights LULAC activist wearing a polo  
12 shirt with the inscription, "Dallas FBI Citizens  
13 Academy," then what will it do to some irate person who  
14 doesn't like Hispanics or blacks or other minorities.  
15 And ladies and gentlemen, what would have happened if  
16 I, a Mexican, had assaulted that white man? Yeah, you  
17 know what would have happen. Remember the code  
18 words -- the code words "state rights," that meant  
19 black slaves back in the south. Nowadays, downsize and  
20 privatize, that means lay off and fire employees. The  
21 term compassionate conservative, well --

22 CHAIRMAN DUNCAN: Mr. Reyes, your time  
23 has expired. You might have a question or two, if you  
24 would wrap it up, please.

25 MR. LICO REYES: I will wrap it up very

1 closely.

2 Ladies and gentlemen, when the tornado  
3 hit my town of Arlington, Texas, right across the  
4 highway from me, where was George Bush the  
5 compassionate? I say that we need to stop this  
6 because, you know what, and you can do it, you've got  
7 it in your hands. This is the U.S.A., not the "you  
8 ese." This is justice for all. Not just us.

9 Please pray over this, ladies and  
10 gentlemen. I am standing here and I tell you, my last  
11 words, like the Trojans of old, that horse won't hunt.  
12 And this is not a pony show that we will ride. And I  
13 say to DeLay, as a Spartan civil rights activist, a  
14 Mejicano, ladies and gentlemen, no se puede. DeLay,  
15 you cannot. Martin Luther, John F. Kennedy, Cesar  
16 Chavez, say, "No, you cannot change our map. It's  
17 right."

18 CHAIRMAN DUNCAN: Thank you, Mr. Reyes.  
19 Any questions? Thank you. Mr. Reyes has submitted  
20 written testimony as well.

21 MR. LICO REYES: Any questions? Thank  
22 you.

23 CHAIRMAN DUNCAN: Oh, would you --  
24 Mr. Reyes, just for the record, would you state the  
25 name so she can get -- state your full name for the

1 record.

2 MR. LICO REYES: My name is Jesus Jose  
3 Federico Reyes Blanco Hernandez. But when I was  
4 naturalized in Alexandria, Louisiana, when I studying  
5 to be a Jesuit pries, the judge changed my name to  
6 Frederick B. Reyes to make it easier for me to coalesce  
7 in America. And ever since then my name is Lico Reyes,  
8 L-i-c-o R-e-y-e-s. God bless you.

9 CHAIRMAN DUNCAN: What do you want us to  
10 call you in the record?

11 MR. LICO REYES: Just call me -- just  
12 call me Lico, somebody who wants to go to heaven and do  
13 the right thing like y'all should. (Applause by the  
14 audience.)

15 CHAIRMAN DUNCAN: All right. Thank you.  
16 We'll -- the reason we had a little  
17 confusion on that is that I think we had the wrong card  
18 for you, Mr. Reyes, but thank you for your testimony.

19 I will say that it is an hour and a half  
20 into our session and it's time for a break again.  
21 Remember we have a court reporter that's working really  
22 hard over here and some of you guys talk kind of fast,  
23 so it's -- she's burning the thing up.

24 We will -- the Senate will stand in  
25 recess. Before we do I have three or four cards and

1 we'll -- also, let me kind of -- let me -- if I could  
2 have your attention. There's a lot of people that want  
3 to go out of order, and I don't blame you, I would too,  
4 but the problem is it's not fair. And we've got to --  
5 we've got to keep order in the cards. So I would  
6 request that you not ask the clerks to put you out of  
7 order. That puts them in a bad position.

8 The Senate Committee will stand in recess  
9 until 8:30 break.

10 (Recess for 22 minutes.)

11 CHAIRMAN DUNCAN: Our next witness is Lee  
12 Saldivar. Is Mr. Saldivar in the audience? Let the  
13 record reflect that Mr. Saldivar is not present, but he  
14 is registering a position against redistricting.

15 UNIDENTIFIED SPEAKER: You already called  
16 him.

17 CHAIRMAN DUNCAN: Oh, he spoke? No, I --  
18 that was Mr. Reyes. It's number 23. Number 24 is  
19 Mr. Eddie Peavyhouse. Wait a minute. I didn't finish  
20 Mr. Saldivar. Mr. Saldivar is opposed to  
21 redistricting, but is not present.

22 The Chair calls Eddie Peavyhouse. Is  
23 Mr. Peavyhouse in the audience. Mr. Peavyhouse is not  
24 present. Mr. Peavyhouse has registered a position  
25 opposed to redistricting.

1                   The Chair recognizes Kelly Hinton. Is  
2 Ms. Hinton in the audience? She's approaching. Thank  
3 you, Ms. Hinton. Please state your name and who you  
4 represent.

5                   Behind Ms. Hinton will be Michelle  
6 Valentino.

7                   KELLY HINTON: My name is Kelly Hinton  
8 and I'm representing the future of Texas, children.

9                   Mr. Chairman, Members of the Committee,  
10 I'm almost 13 years old. I'm a student in Austin  
11 I.S.D. in Austin, Texas, Northeast Texas, Lamar County.

12                   I and the members of my generation are  
13 the future leaders of Texas in the United States. I  
14 stand before you to ask that you not let partisan  
15 politics derail my future as well as the future of our  
16 great State of Texas. My school and home are located  
17 in a rural area. Our needs are different from the  
18 urban areas of Dallas and other large cities. We need  
19 government representatives that can and will represent  
20 our area's needs. To quote author Theodore H. White,  
21 "To go against the dominant thinking of your friend, of  
22 most of the people you see everyday, is perhaps the  
23 most difficult act of heroism you can perform," end  
24 quote.

25                   I ask you to be my hero. Don't mess with

1 Texas. Thank you for your time.

2 CHAIRMAN DUNCAN: Thank you. I think  
3 those of us that have young ones at home your age are  
4 proud of you for being here today and testifying about  
5 your beliefs.

6 The Chair calls Michelle Valentino.  
7 Michelle Valentino. Thank you, Ms. Valentino. State  
8 your name and who you represent.

9 MS. MICHELLE VALENTINO: My name is  
10 Michelle Valentino and I am the Democratic precinct  
11 chair, Precinct 1111. And Ms. Shapiro is my senator.  
12 And I'm here to represent the views of not only the  
13 Democrats in my precinct, but a consensus that I did on  
14 my own after the last meeting of Republican views and  
15 also independent views as well. Because I really  
16 wanted to, myself personally, have a really good  
17 well-rounded grasp of this issue. So I plan to share  
18 those views with you today.

19 Oh, I forgot one thing. There is another  
20 group that I'm representing today, and that's the  
21 ladies in my beauty parlor. So let's -- let's be  
22 polite and put ladies first. And actually, I -- I  
23 spoke with them before I came today. And there was a  
24 group over in the corner as I was getting my hair done  
25 and I had all my stuff to come here and they were

1 talking in the corner and I heard them say very loud,  
2 "Why are they doing this?" So Michelle accommodated  
3 them. I had all my information with them, and I said,  
4 "Well, I can give it to you straight from the horse's  
5 mouth."

6                   This comes from representative --  
7 Representative Bill King, who said, quote, "My  
8 objective is to send four or five Republicans, in  
9 addition to what we already have, to Washington to help  
10 President Bush with his agenda." So that, my friends,  
11 my fellow bosses out there, is really what this is  
12 about. It's about winning. It's about, really, a very  
13 broad strategy that goes beyond Texas. It's already  
14 been done in Denver. And so that's what it's about.  
15 So I say to Representative King, and I'm sure he's a  
16 nice guy in that he loves his president, but what my  
17 question for him is, "Ask not what you can do for  
18 George Bush, and ask yourself what you can do for the  
19 people of Texas." (Applause by the audience.)

20                   You know, we had another George W. in our  
21 history and he's my hero. And I was doing some  
22 research the other day and I came across something that  
23 George Washington said in his farewell address that I  
24 really think is very appropriate to where our country  
25 is today because we are really very, very deeply

1 divided as a nation almost on any issue. It doesn't  
2 matter what it is, to the point where we actually can  
3 demonize each other because we disagree. And that is  
4 not -- never going to serve the highest good of  
5 ourselves or our nation. And so let me just share with  
6 you what George W. said in his farewell address. It --  
7 he felt so strongly about it that he gave it as a  
8 warning to all of us. And this is what he said, and it  
9 was about party spirit.

10 "I have already intimated to you the  
11 danger of parties in the state with particular  
12 reference to the founding of them on geographical  
13 discriminations. Let me now take a more comprehensive  
14 view and warn you in the most solemn manner against the  
15 baneful affects of the spirit of party generally. This  
16 spirit unfortunately is inseparable from our nature,  
17 having its root in the strongest passions of the human  
18 mind. It extends under different shapes in all  
19 governments more or less stifled, controlled, or  
20 repressed, but in those of the popular form," which is  
21 what we are in the United States, "it is seen in it's  
22 greatest rankness, and is truly their worst enemy. The  
23 alternative -- alternate domination of one faction over  
24 the other, Democrat, Republican. Sharpened by the  
25 spirit of revenge, natural to party dissension, which

1 in different ages and countries has perpetrated the  
2 most horrid enormities, is itself a frightful  
3 despotism, but this leads at length to a more formal  
4 and permanent despotism. The disorders and miseries  
5 which result gradually incline the minds of men to seek  
6 security and repose in the absolute power of an  
7 individual. And sooner or later the chief of some  
8 prevailing faction more able or more fortunate than his  
9 competitors turns this despotism to the purposes of his  
10 own elevation on the ruins of public liberty." So --

11 CHAIRMAN DUNCAN: Ms. Valentino, your  
12 time has expired. Do you want to --

13 MS. MICHELLE VALENTINO: Well, let me  
14 just say that the opinion, I never got to the opinion  
15 of my constituents, and that is they are against the  
16 redistricting and they are against it because of -- can  
17 I read just one quote on the basis?

18 CHAIRMAN DUNCAN: You can do it very  
19 quickly, please.

20 MS. MICHELLE VALENTINO: This was a --  
21 this Professor John Alford, who was the expert witness  
22 for Governor Perry who said, "The fact that Republican  
23 congressional candidates have been only able to win 15  
24 congressional races is the product of the campaigns the  
25 Republican candidates have run, the performance of

1 Democratic office holders, and it is not based on any  
2 political unfairness of the map."

3 Keep the map. (Applause by the  
4 audience.)

5 CHAIRMAN DUNCAN: Ms. Valentino -- are  
6 there any questions for Ms. Valentino? Thanks for your  
7 presence here today.

8 The Chair calls David A. Nabors. Is  
9 Mr. Nabors -- as you approach, Mr. Nabors, we also have  
10 behind you Max Shumake. And behind Mr. Shumake we have  
11 Elmer--I have to put my glasses on--Haregren, Jr. after  
12 that.

13 Mr. Nabors, state your name and who you  
14 represent.

15 MR. DAVID NABORS: My name is David  
16 Nabors. I live in Paris, Texas in Northeast Texas.  
17 I'm in Congressional District No. 1. Max Sandlin is my  
18 congressman. I realize that Max has a few words, but  
19 at least he's our frog and he comes out of our pond and  
20 we want to keep him. (Applause by the audience.)

21 I would like to bring to your attention  
22 the fact that we have rural districts in Texas and we  
23 have urban districts in Texas. Our Northeast Texas is  
24 considered a rural district. Even if you tried to pair  
25 us with Southeast Texas as a rural district down there,

1 our needs are entirely different. They are a different  
2 geographical area. Same way with Northwest Texas and  
3 Southwest Texas. Even though they're all for rural  
4 areas, they're completely different geographical areas.  
5 And we would like to see the map stay as it is. And we  
6 don't -- I don't particularly care whether we have a  
7 Republican or Democrat as our representative, as long  
8 as he's one of us. And when you try to pair us with  
9 another rural district, remember that we're entirely  
10 geographically different from everybody else in the  
11 state. We have nothing against Dallas or any other  
12 urban city. We need Dallas or the Dallas area. I'm  
13 talking about Fort Worth and everybody in one lump. We  
14 need them to buy our raw farm products. We in turn buy  
15 finished products back from Dallas and the Dallas area.  
16 So we need each other, but we need our own  
17 representatives. Thank you very much.

18 CHAIRMAN DUNCAN: Thank you,  
19 Mr. Nabors. Any questions for Mr. Nabors? The Chair  
20 hears none.

21 Chair calls Max Shumake. Mr. Shumake.  
22 Behind Mr. Shumake, again, is Elmer Haregren and then  
23 our next card will be --

24 MR. MAX SHUMAKE: Good evening.

25 CHAIRMAN DUNCAN: Hang on just a second.

1 Anna Stevenson. Go ahead, Mr. Shumake. State your  
2 name and who you represent.

3 MR. MAX SHUMAKE: I'm Max Shumake from  
4 Route 1, Box 277-A, De Kalb, Texas. I live about 40  
5 miles West of Texarkana, for the rest of you that don't  
6 know where that's at. I was born and raised right down  
7 on the Sulphur River, very close, out of Dolby Springs.  
8 It was a thriving community at one time. It's more or  
9 less kind of gone away. Needless to say, though, my  
10 children and grandchildren make eight generations of  
11 Texans that have lived right there in Bowie County.  
12 Most of our property is in Red River County, we kind of  
13 share too. We -- we're very proud to be Texans, as  
14 nearly all Texans are. I don't know where we get that  
15 from, but I love being in District 1. District 1 has  
16 been in my family since before Texas was a state. My  
17 family has been there since 1839. All the people in  
18 that area are kind people. They help one another.  
19 They're neighbors. You don't -- you don't see racial  
20 problems. You don't see crime. You don't see theft.  
21 I was raised in a home that didn't even have locks on  
22 the doors and no one took the keys out of their  
23 vehicles. And if somebody did come get your vehicle,  
24 they brought it back to you when they got through using  
25 it. There wasn't nothing wrong with it. Well, I love

1 living in that environment. Max Sandlin is my  
2 congressman, and we love Max Sandlin, absolutely.  
3 (Applause by the audience.)

4 For those of you -- I don't know the  
5 history of most of you senators there. I've had some  
6 good words about Senator Duncan. I've heard of  
7 Senator--I'm not going to butcher your name--Shapiro a  
8 little bit. The rest of you, I don't know. I hope  
9 that's not the case this time next year because all of  
10 us are Texans and I need to get to know all of my  
11 senators and representatives, but Max Sandlin has been  
12 special to us. Those of you that recognize things,  
13 look on my collar and you see that I'm wearing a DAV  
14 flag. I'm a veteran.

15 The hugest majority of the veterans in  
16 the State of Texas live in Max Sandlin's area. He has  
17 helped veterans all over the state and all over the  
18 nation. He's got medical facilities put into Texas  
19 where -- in the rural areas where we didn't have any.  
20 He also was raised out in the farm and the timber area.  
21 He understands what we need or what we're talking about  
22 when we call him. And I'm sure that we could grow to  
23 be friends. I could with any of you like we feel like  
24 we are with Max Sandlin. Don't mind picking up the  
25 phone, if we can't get him, get ahold of any of his

1 aides or his helpers, and we get nearly immediate -- we  
2 get a response. It's not like we're calling some  
3 invisible force that you never can get anything from.

4                   We had a little run-in, and I know y'all  
5 know some of my other representatives, state  
6 representatives, Mark Homer down in Red River County  
7 and Barry Telford, who we fight quite regularly. Barry  
8 is a distant cousin of mine and we put this little  
9 organization together a few months ago and Barry wasn't  
10 quite supporting me, or the other handful of us. By  
11 the way, the handful grew from a little handful to a  
12 big handful to nearly 6,000 of us. And Max Sandlin  
13 then talked to some of our state representatives and  
14 they came around and gave us some help on a little old  
15 lake they was wanting to build up there to sell water  
16 to Dallas out of that was going to take about 300,000  
17 acres of our farm and timberland. And, you know, we  
18 didn't get lot of response.

19                   In the meantime, what I'm trying to tell  
20 you is Barry Telford is a Democrat. He's turned out to  
21 be a good Democrat in certain ways. However, I went  
22 out and recruited up a Republican to run against Barry  
23 Telford, and he was a good man, solid as a rock. The  
24 only problem with Dan Heefteller (phonetic) as the  
25 Republican party did not support him. He won 42

1 percent against Barry Telford, and 18-year man.

2                   If you want the Republican party to  
3 thrive in our country areas, have you ever thought  
4 about going out and supporting them? I called the  
5 Republican party of the State of Texas to try getting  
6 him some help. They wouldn't help him a bit, nor would  
7 the county.

8                   Like I said, since then, things have come  
9 around. Barry has helped us a lot. Senator Ratliff is  
10 not here. He's my senator. He's -- he's -- we can  
11 depend on what Senator Ratliff tells us. We may not  
12 like what he tells us sometimes, but we can depend on  
13 him.

14                   How about us getting all our Texans back  
15 together and get back to work. Let's -- let's quit  
16 this squibbling and squabbling Texans has known to be  
17 like a big family and to fall together and work and get  
18 the job done. Stop this in its tracks. You can do it  
19 and you know you guys can do it and we know that.

20                   Appreciate it. Thank you.

21                   CHAIRMAN DUNCAN: Thank you,  
22 Mr. Shumake. Are there any questions for  
23 Mr. Shumake? Appreciate your testimony.

24                   Chair calls Elmer Haregren -- or  
25 Hairgrove. And after Mr. Hairgrove will be Anna

1 Stevenson and Nancy Machen.

2 MR. ELMER HAIRGROVE: My name is Elmer  
3 Hairgrove, Jr. I live in Pleasant Grove, part of  
4 Dallas, and I wished our neighborhood was like his  
5 neighborhood, because when you hear -- when you walk  
6 after dark -- when I remember John Bryant, we walked  
7 into this neighbor- -- our neighborhood, I introduced  
8 him to all of them, but nowadays you run through our  
9 neighborhood. And if you hear anybody coming up on  
10 you, you can guarantee it's not going to be a city  
11 policeman to help you out. So -- and I appreciate  
12 letting me sit here and say that I am against the new  
13 proposal of the deal. And I read in the bible one time  
14 were it says a word fairly spoken is like apples to  
15 gold and pitchers of silver, and not very many of them  
16 have been spoken tonight, has it? And I thank you.

17 CHAIRMAN DUNCAN: Thank you,  
18 Mr. Hairgrove. Appreciate your testimony.

19 Chair calls Anna Stevenson. Is  
20 Ms. Stevenson present? Let the record reflect that  
21 Ms. Stevens is not present, but she does register a  
22 position against redistricting.

23 The Chair recognizes Nancy Machen.  
24 Ms. Machen, thank you. And behind Ms. Machen will be  
25 David Smith. And behind Mr. Smith, Mario Perez.

1                   Ms. Machen, state your name and who  
2 you're representing.

3                   MS. NANCY MACHEN: Hi, I'm Nancy Machen,  
4 and I'm Senate District 8 committee woman, Florence  
5 Shapiro, Senate District, for the Democratic party.  
6 And contrary to popular belief, there are Democrats in  
7 Collin County and we're growing by leaps and bounds I  
8 might add. (Applause by the audience.) Anyway, I won't  
9 take up a whole bunch of your time. You can take some  
10 of my minutes and apply them to Max Sandlin who got  
11 chastised earlier.

12                   Thank you for being here to actually  
13 listen to us, citizens of Texas, and I take you at your  
14 word, I trust that you will listen to us. It is clear  
15 by their action yesterday that the Texas House did not.

16                   I am opposed to redistricting for all of  
17 the reasons so eloquently expressed by all of the  
18 previous speakers. However, I would like to  
19 reemphasize the following reasons: This is a bad  
20 precedent to set. Redistricting is supposed to occur  
21 every ten years following the census. It is supposed  
22 to be based upon changes in population, not voter  
23 turnout. Reredistricting now at the behest of  
24 Washington partisans is a bad precedent. Do you really  
25 want to start this?

1                   And the second reason is: Do you really  
2 want to be spending anywhere from I've heard figures 2  
3 million plus to, after all the court challenges, 10  
4 million, but even \$1 is too much, in my opinion, on  
5 this -- on Tom DeLay's frivolous--favorite Republican  
6 there--political power exercise? In view of all of the  
7 pressing fiscal problems facing the State of Texas, I  
8 think not. And I hope that you agree. Our time, our  
9 tax dollars and energy would be better spent on  
10 improving schools, finances, and teacher salaries,  
11 health care for our most vulnerable citizens, and  
12 restoring some sanity to the state budget. Thank you.

13                   And in closing, Americans pick their  
14 congressman. Congress -- voters pick their  
15 congressmen. Congressmen don't pick the voters.

16                   UNIDENTIFIED SPEAKER: Thank you.

17                   CHAIRMAN DUNCAN: Thank you, Ms. Machen.  
18 Appreciate your testimony. We'll put your written  
19 testimony into the record.

20                   Chair calls David Smith. Mr. Smith,  
21 state your name and who you represent.

22                   MR. DAVID SMITH: I'm David Smith from  
23 Plano in Collin County. And, Mr. Chairman, Members,  
24 Senators, just representing myself, do appreciate your  
25 being here, although I do believe you're here about

1 eight years early. (Applause by the audience.)

2 I couple of concerns to share with you.  
3 They are specific to my county. First, like others  
4 that have spoken here, I believe that urban areas  
5 should be represented by members of Congress from urban  
6 areas. And rural areas should be represented by  
7 members of Congress from rural areas. (Applause by the  
8 audience.) And you can see that now in Collin County.  
9 Our urban areas are generally in the 3rd District,  
10 which is currently represented by Sam Johnson. Our  
11 rural areas are generally in the 4th District, which is  
12 currently represented by Ralph Hall.

13 The last decade, our urban area grew  
14 northward and the last time they adjusted the lines, a  
15 couple of years ago, the line between the districts  
16 moved north, and that was fine. But the problem with  
17 the maps that have been proposed is that they put all  
18 the rural area of our county together in a district  
19 with the urban area, and some of the proposed maps go  
20 beyond that and reach out and, you know, pluck out  
21 other counties from Northeast Texas to put in with the  
22 3rd District. I ask you, as many have before, not to  
23 through dissimilar communities together into -- into  
24 districts.

25 The second concern comes from my

1 experience in the last general election. In Collin  
2 County it was a mad house that day in November. We had  
3 literally thousands of voters showing up at the wrong  
4 polling place. There was mass confusion. The county  
5 election department phone lines were completely  
6 overloaded. The website was overloaded. You know,  
7 people, you know, couldn't figure out where to vote.  
8 And the reason for that was all the district lines had  
9 just changed and that forced changes in precinct lines.  
10 And there's a, you know, a mostly manual -- well,  
11 really totally manual process in reassigning groups of  
12 voters to new precincts. We ended up with entire  
13 apartment complexes that were put in the wrong  
14 precinct. We got through all that as best we could,  
15 corrections were made and we all said, "Well, thank  
16 God, it's only once every ten years that we have to go  
17 through this." Well, you know, here we go again two  
18 years later.

19                   And this brings me to the second point of  
20 concern specific to Collin County. We also have a  
21 portion of the 26th District that extends west -- or  
22 eastward into our county. And I presume that's to, you  
23 know, keep the one man, one vote, you know, thing  
24 going. And the problem with the map that I saw in the  
25 newspaper, you all may not have looked at yet, is the

1 26th District still extends into Collin County, but the  
2 line is different. And, you know, here we go with the  
3 confusion again if we have to redraw a bunch of  
4 precinct lines again.

5 So if for no other reason, I ask you not  
6 to redistrict so we do not have to submit our voters to  
7 more confusion and further dampen voter turnout. And I  
8 thank you for your consideration. (Applause by the  
9 audience.)

10 CHAIRMAN DUNCAN: Thank you, Mr. Smith.  
11 Any questions for Mr. Smith? Thank you for your  
12 appearance here today.

13 The Chair recognizes Mario Perez. Mario  
14 Perez. Is Mario Perez in the audience? Let the record  
15 reflect that Mario Perez is not present, but would like  
16 to register a position against redistricting.

17 The Chair recognizes Judy Bryant.  
18 Ms. Bryant, would you approach, state your name and who  
19 you represent? While she's approaching, the Chair will  
20 next recognize Angela Charland. And after that  
21 Maria -- Maria Gomez. And then after that former  
22 Congressman Bob Gammage.

23 State your name, please, and who you  
24 represent.

25 MS. JUDY BRYANT: Senator Duncan, and

1 Members of the Committee, I'm Judy Bryant. I'm a  
2 29-year Texas teacher and I'm the political action vice  
3 president of Alliance of Dallas Educators, which  
4 represents 8,000 teachers and support personnel in the  
5 Dallas Independent School District. Obviously our  
6 concern has -- that I've heard over and over again from  
7 my fellow school employees is about the cost of this  
8 special session and all the ramifications of a court  
9 battle which might come afterwards. In a session that  
10 was just concluded when all of my education colleagues  
11 and I felt like a lot of times the theme was assault on  
12 educators and education, we really don't understand why  
13 our state, which is supposedly in a financial crisis,  
14 has the money for doing all of this at this time. And  
15 we as educators had our health insurance assistance,  
16 which -- of a thousand dollars a year cut in half.  
17 Most of you know Harryette Ehrhardt who was in here  
18 earlier, worked tirelessly, as did all of you in the  
19 last session in 2001 to approve that, for which we  
20 greatly appreciated that. And then that was cut in  
21 half.

22                   We also have had a lot of cuts to other  
23 areas. I teach pregnant and parenting students at  
24 DISD's health special high school and a lot of them  
25 benefit from the CHIP program. And there's a lot of

1 cuts that are being made to that program. So we feel  
2 in general, and I'm speaking from hearing from a lot of  
3 educators that the money that's being spent on this  
4 redistricting process should have been -- or should be  
5 spent on benefitting children, teachers, the elderly,  
6 all the other Texans who really should not have had  
7 those things cut with the themes of no new taxes. The  
8 cost of this session could have also been applied to  
9 the important issue of school finance, which you still  
10 have to deal with at a later date. I think probably  
11 those of you in the legislature are going to call this  
12 next year the year of the never ending session. It  
13 seems like one after another.

14           There's another issue, however, that's  
15 really near and dear to the heart of many Texas school  
16 employees dealing with redistricting. Because we teach  
17 in a state where most local school districts do not  
18 participate in the Social Security program, and I'm one  
19 of those, I will be penalized in a few years when I  
20 reach retirement age and should be able to draw the  
21 full Social Security benefits, which I've earned by  
22 working in the private sector, working second jobs as  
23 almost all school employees have to do, where I've paid  
24 into the system, and so has my employer. My Social  
25 Security statement that I just got last Saturday told

1 me that at age 66 I would be able to draw \$589 a month  
2 for Social Security based on my current earnings and  
3 the money that I had paid into the Social Security  
4 system. But because of the law called the windfall  
5 elimination provision, I would -- that would be cut in  
6 half. I'm talking about that's based on now. I plan  
7 to work for a good many more of those years. So I  
8 stand to lose at least 3 or \$400 a month in this  
9 windfall elimination provision for money that I've paid  
10 into the Social Security system.

11                   And this brings me to my point about how  
12 redistricting affects this. We've had 17 out of 17  
13 Democrats in the Texas delegation support us on this  
14 issue and vote consistently to help us get rid of  
15 unfair Social Security provisions that hurt teachers,  
16 while only 5 out of 15 Republicans in the Texas  
17 delegation consistently support us. So it's clear that  
18 Texas teachers and school employees stand to lose if  
19 there's a wholesale replacement of Democrats with the  
20 Republicans. The math is pretty simple. There's a  
21 hundred percent likelihood that a Democratic incumbent  
22 will support us on this most urgent and important issue  
23 and only a 33 percent likelihood that a Republican will  
24 support us based on the current voting records of both  
25 Democrats and Republicans in the U.S. House from Texas.

1           I might also add, in spite of countless  
2 calls, phone calls, everything else, our two Texas  
3 senators have yet to sign on to supporting this Social  
4 Security Fairness Act. Despite for -- support for  
5 Social Security fairness, the biggest obstacle that we  
6 face in even getting this particular issue to come to  
7 the forefront is Representative Tom DeLay. And a  
8 redistricting bill that entrenches him in power will  
9 even make it more of an obstacle for Texas teachers to  
10 get their Social Security.

11           Texas teachers are made up of  
12 Republicans, Democrats, and independents. And most of  
13 us vote for the person, but they are -- and we're  
14 anything but straight ticket voters. However, if  
15 there's one issue that gets us hot and mad and ready to  
16 oppose anyone who votes wrong on that issue, regardless  
17 of party, is this Social Security fairness issue.

18           So don't mess with Texas teachers and  
19 school employees. And I ask you to leave the current  
20 map and members of the Texas delegation alone. Thank  
21 you.

22           CHAIRMAN DUNCAN: Thank you, Ms. Bryant.  
23 Members, are there any questions? Thank you for your  
24 presence.

25           Chair recognizes Angela Charland.

1 Ms. Charland, please approach. Behind you will be  
2 Maria Gomez and former Congressman Bob Gammage.

3 MS. ANGELA CHARLAND: My name is Angela  
4 Charland. I'm from Arlington. And by the way,  
5 Arlington, depending on which source you listened to is  
6 in the top five suburbs in the nation populationwise.  
7 So it's more like a big city, but anyway, I'll try to  
8 talk fast because I know everybody is tired and we've  
9 got lots of people.

10 Mr. Chairman and Members of the  
11 Committee, thank you for holding these hearings and for  
12 all of your hard work. And I especially want you for  
13 trying to keep the tone respectful. It's not always  
14 easy and you guys have really tried.

15 We can disagree with each other without  
16 resorting to personal attacks, insults, and  
17 distortions. Thank you for trying to keep those things  
18 out of this committee.

19 I'd like to speak just very briefly on --  
20 there's been a lot said tonight about race and, you  
21 know, the whole discussion about race actually is  
22 upsetting in general. It's disturbing. I think  
23 extolling the racial virtues of the current map insults  
24 the concept of racial diversity. And certainly many  
25 people are going to think this view, my view, is naive

1 as far as race goes, but I do not see skin color when I  
2 look at someone. We've raised our children to believe  
3 that God created us all and he loves us all and  
4 commands us to love each other, period. So all the  
5 talk about race, I don't think of people in terms of  
6 race. People are people.

7 I come here today as a representative of  
8 the large silent majority of conservative voters who  
9 support this redistricting effort. And obviously I'm  
10 in a minority in this room. And quite honestly, I'm a  
11 little angry with the rest of our silent majority  
12 partners because they are silent and they're not here  
13 and it happens quite often. But I do want to tell you  
14 what some of you already know, that conservative voters  
15 in Texas have been disenfranchised, the most overused  
16 word in the English language right now, for many years  
17 in various areas due to -- due in large part to maps  
18 gerrymandered directly or indirectly by someone. The  
19 clear and stated aim of this redistricting effort is  
20 simply to provide means for voters to be heard. The  
21 end result being that the congressional delegation from  
22 Texas will represent the will of the majority of the  
23 voters in Texas. Isn't that the definition of  
24 democracy?

25 UNIDENTIFIED SPEAKER: No.

1 MS. ANGELA CHARLAND: As to the  
2 question -- as to the question --

3 UNIDENTIFIED SPEAKER: (Indiscernible.)

4 MS. ANGELA CHARLAND: You know, I don't  
5 hear anybody -- anybody speaking in sup- -- in  
6 opposition to this redistricting effort being  
7 disrespected like that.

8 As to the question in this -- as to the  
9 question that's been asked several time, is this trip  
10 necessary, as we've heard, Democrats in general don't  
11 think it's necessary and people have said its serves us  
12 well. Of course they think that. Republicans would  
13 think that if they were in the current position that  
14 the Democrats are. It's just -- it's common sense,  
15 but -- and if the Democrats had the opportunity to do  
16 what the Republicans are doing now, if they felt it  
17 necessary, they would do the same thing.

18 UNIDENTIFIED SPEAKER: Liar. How --  
19 (indiscernible.)

20 CHAIRMAN DUNCAN: Wait a minute. Wait a  
21 minute. Wait a minute. Members of the audience, this  
22 witness has every bit as much right to be here and to  
23 testify uninterrupted about her beliefs as you have to  
24 testify about yours. And I will not tolerate any more  
25 rudeness of any members of the audience to any witness

1 that's up here on this stand. You.

2 May proceed, Ms. Charland.

3 MS. ANGELA CHARLAND: Thank you,  
4 Mr. Chairman.

5 CHAIRMAN DUNCAN: You have another  
6 minute.

7 MS. ANGELA CHARLAND: Thank you.

8 CHAIRMAN DUNCAN: You'll have an  
9 additional minute to your five. Go ahead.

10 MS. ANGELA CHARLAND: I'm sorry. I don't  
11 appreciate being called a liar. I'm not a liar. I  
12 don't lie. And there --

13 UNIDENTIFIED SPEAKER: (Indiscernible.)

14 MS. ANGELA CHARLAND: Who is saying that?

15 CHAIRMAN DUNCAN: Hold on a minute. Hold  
16 on a minute.

17 UNIDENTIFIED SPEAKER: I am.

18 UNIDENTIFIED SPEAKER: Get out.

19 CHAIRMAN DUNCAN: Sit down.

20 SENATOR WEST: Sit down. Sit down. Sit  
21 down. And let -- I would ask that you allow her the  
22 same courtesy that's been extended to everyone else  
23 here, even though she may have a different viewpoint  
24 than yours. And we've been knowing each other a long  
25 time, so I ask you to extend that courtesy to her. I

1 appreciate it.

2 MS. ANGELA CHARLAND: I have sat here in  
3 this meeting and spoken with three different people who  
4 sat next to me who had different viewpoints than I did.  
5 We discussed things. We talked about things. No one  
6 called anyone a liar. No one called anyone an  
7 unAmerican. No one called anyone power monger. None  
8 of those things were said. We can disagree with each  
9 other and not be abusive to each other. I have two  
10 sisters who are Democrats.

11 Okay. I'm sorry. I'm trying to finish  
12 my remarks. The fact remains that Texas as a state  
13 voted for President George W. Bush in the last  
14 election. A majority of Texas -- Texans are  
15 conservative and our congressional delegation should  
16 reflect that.

17 And regarding voter confusion over  
18 precinct changes, I know that happens. And I was going  
19 to make a joke here, but it just doesn't seem  
20 applicable anymore. Something about this not being  
21 Florida, but anyway. And as far as the unnecessary  
22 spending, there's an easy answer for the litigation  
23 that's going to follow; we just don't go to court.  
24 Nobody sues and, you know, that's saves everybody, I  
25 don't know, \$7 million. I like that. Okay.

1                   And, oh, yeah. And, yes, I know that  
2 someone referred earlier to the press being liberal and  
3 having -- I mean, I'm sorry, being biased. And, yeah,  
4 I think they are biased, but of course, I think they're  
5 liberally biased, except for Fox News, but you all knew  
6 that, so anyway.

7                   And I do agree with Michelle Valentino  
8 earlier when she said that it's not necessary to  
9 demonize people. It's not necessary. It's not  
10 necessary for any of us to do that. I'd like to know  
11 what we teach our children by behavior such as what's  
12 happened since I've been up here. My children would  
13 not be allowed to behave that way. I wouldn't put up  
14 with it, their teachers wouldn't put up with it. It's  
15 disrespectful, it's rude, it's -- it's not common  
16 courtesy.

17                   UNIDENTIFIED SPEAKER: (Indiscernible.)

18                   MS. ANGELA CHARLAND: And neither is  
19 that. Anyway, in conclusion, Senators, I urge you and  
20 the members of the entire body not to be deceived into  
21 thinking that the loudest group is the largest. I  
22 assure you as many of you are already aware, there is a  
23 large silent majority. We are out here and will  
24 absolutely make ourselves heard at the ballot box.

25                   And a word to members of the Senate who

1 are supporting the redistricting, be of good courage,  
2 you are not alone. There are many people out here who  
3 support you. Stand up for Texas and send Texans to  
4 Congress who speak for a majority of Texas citizens.

5 And also, to the gentleman earlier that  
6 said something about the tornado in Arlington. I'm not  
7 sure -- if he's talking about the big one that happened  
8 in Arlington that really tore things up and he asked  
9 where George Bush was, he was actually in Austin  
10 because it was in March of 2000, and Bill Clinton was  
11 in office, but anyway... Thank you very much.

12 CHAIRMAN DUNCAN: Thank you for your  
13 testimony, Ms. Charland.

14 Chair calls Maria Gomez. Thanks,  
15 Ms. Gomez. Would you please approach, state your name,  
16 and who you represent? Behind Ms. Gomez will be former  
17 Congressman Bob Gammage.

18 MS. MARIA GOMEZ: Hi, my name is Maria  
19 Gomez. I live in Oak Cliff in the Oak Cliff area. My  
20 address is 3030 West Jefferson Boulevard, Dallas, Texas  
21 75211. And I'm here tonight as a concerned citizen,  
22 business owner, community activist, precinct chair for  
23 4424. That is in the Oak Cliff area.

24 And here we go again, testifying again.  
25 I remember testifying on April 14th, 2000. I'm here

1 tonight to testify as a citizen, but also as a precinct  
2 chair, which is 85 percent Hispanic minority, 10  
3 percent Anglo, and 5 percent African-American. Most of  
4 the voters are low income working people, which  
5 sometimes cannot vote because they need to work to feed  
6 their families, but I will tell you this, they are  
7 taxpayers too. Legal or illegal people, they pay taxes  
8 (applause by the audience), which these taxes are part  
9 of to keep this country on their feet.

10 I'm here to make a statement that I'm  
11 against redistricting for several reasons. One is that  
12 it's inconsti- -- unconstitutional. The census was  
13 done to make up the map as they are now, which reflects  
14 a community of interest, not a political party  
15 interest. We are well-represented in our community,  
16 which reflects the diversity. We have a congressman  
17 Anglo, an African-American senator, a state  
18 representative that is Hispanic. We are not in a  
19 foreign country like Venezuela that has a dictator, and  
20 other Latin American countries, which I'm native from  
21 Mexico, which that country holds the presidency for 70  
22 years.

23 We have are in the United States. U.S.  
24 means us, the people. Taxpayers, you are wasting our  
25 tax money on political interests. 1.7 million plus all

1 that was spent to conduct the census. I will tell you  
2 this, United States is in the eye of international  
3 media, how can you preach to the world democracy when  
4 you are denying democracy in your own back yard?  
5 (Applause by the audience.)

6 I'd like to welcome you to Dallas now.  
7 And let me tell you, Dallas is for democracy. Thank  
8 you for your time.

9 CHAIRMAN DUNCAN: Thank you, Ms. Gomez.  
10 Any questions for Ms. Gomez? Appreciate your  
11 testimony.

12 Chair recognizes Bob Gammage.

13 MR. BOB GAMMAGE: Thank you,  
14 Mr. Chairman, Members. Good seeing some of you again.  
15 Senator Gallegos, you're still representing our old  
16 neighborhood.

17 SENATOR GALLEGOS: Yes, I am.

18 MR. BOB GAMMAGE: My first public office  
19 was the Texas House of Representative representing  
20 South Harris County. And my next one was in the State  
21 Senate representing South Harris County and Fort Bend  
22 County. That's when Tom DeLay became one of my  
23 constituents. Four years later I was elected to  
24 Congress representing South Harris County, Brazoria  
25 County, Fort Bend County, and part of Waller County,

1 and he was still my constituent. And he got -- later  
2 got elected to the Texas House. I think he even  
3 supported me back in those days, though I doubt the way  
4 things are falling out in Washington these days that he  
5 would again.

6 Be that as it may, I'm not here to speak  
7 really on a partisan basis because the last election I  
8 had was statewide in Texas. And some people might say  
9 that it was sort of nonpartisan because I was on the  
10 ballot for the Texas Supreme Court and there were three  
11 candidates -- three spots open. The chief justice was  
12 running for reelection. One of the -- there was a  
13 vacancy on the court. In two -- there were vacancies  
14 in two spots. And Tom Phillips was reelected to the --  
15 as chief justice of the Supreme Court. John Cornyn was  
16 elected as a justice of the Supreme Court, and I was  
17 elected a justice of the Supreme Court. Funny thing,  
18 we were all three elected by just about the same  
19 margin, which sort of belies Mr. DeLay's philosophy  
20 that these districts that have Republican majorities or  
21 possible Republican majorities in them would not vote  
22 for a Democrat if they knew what they were doing. That  
23 was a statewide election. There was an obvious  
24 Republican majority, and yet they elected two  
25 Republicans and a Democrat. The State Supreme Court by

1 approximately the same margins in the same election.

2           People choose who they want. They're not  
3 all Democrats. They're not all Republicans. Most of  
4 them are mugwumps depending on the election and the  
5 issues and the candidates and fall one way or the  
6 other. And a lot of them are independents who really  
7 eschew membership in either party or identification on  
8 either party and they make the choices.

9           I heard someone say the other day that  
10 under our system it's the people who elect their  
11 representatives. It's not those who are elected who  
12 choose who's going to vote in their election. And  
13 that's nothing more or less than an attempt to do that  
14 in this case. You had a bipartisan judicial panel that  
15 drew the current districts. They were reviewed by the  
16 Supreme Court and they were upheld because they met the  
17 standards, not only under the Constitution, but also  
18 under the Voting Rights Act, which still applies to  
19 Texas. It still applied to Georgia and the opinion the  
20 United States Supreme Court with -- came down with two  
21 weeks ago. Said that you still can't do the things  
22 that some folks want to do. You can't pack them. You  
23 can't stack them. You can't splinter them and you  
24 can't crack them. (Applause by the audience.)

25           I'm not going to take a lot of your time.

1 This is an expensive process you're going through right  
2 here, \$1.7 million just to be here tonight. Plus if  
3 this thing does pass, it will go to court. You're  
4 talking about another 4 1/2 or so million dollars  
5 trying to uphold it. So you've got somewhere between  
6 6, \$7 million at stake here.

7 The budget, University of Texas at  
8 Arlington, the community I now live in, got cut by \$6  
9 million. If you want to save some money and just ship  
10 it to Arlington, we'd be happy to have it over there.  
11 (Applause by the audience.)

12 It's an unprecedented process that you  
13 guys are going through right now, and ladies and  
14 gentlemen, Senators, totally unprecedented. It's an  
15 expensive process and it's also a very unnecessary  
16 process. The same court that handed down Georgia  
17 against Ashcroft a couple of weeks ago is the same  
18 court that graded the paper on the congressional  
19 districts we now have in place and said they were due,  
20 said they were good, said they were fair.

21 I see my time has expired. If you'll --  
22 can I revise and extend my remarks for one more minute,  
23 Mr. Chairman? I'd appreciate it, and I'll get out of  
24 your hair.

25 CHAIRMAN DUNCAN: Been kind of holding it

1 to everybody, warts and all, but if you'd go ahead and  
2 conclude, Judge and Congressman.

3 MR. BOB GAMMAGE: There's a simple and  
4 safe solution in this particular case, and that is not  
5 to set a precedent that might come back to haunt some  
6 people when the pendulum swings. You simply can avoid  
7 taking up this redistricting bill. That's the nice  
8 thing about the Senate. It takes the super majority to  
9 even consider legislation. You can save the money, you  
10 can spent it on more worthy matters: education, public  
11 schools, colleges, universities, the CHIPS program for  
12 these kids who don't have insurance anymore, and many  
13 others programs.

14 I will just admonish you to keep one  
15 thing in mind as you approach this issue. When I was  
16 there, and I assume they still have the same expression  
17 in the halls of the Texas Legislature, when something  
18 wasn't -- didn't need attention, we used to say, "If it  
19 ain't broke, don't fix it." And that's what you can do  
20 in this case. Thank you very, very much.

21 CHAIRMAN DUNCAN: Thank you. Members,  
22 any questions? Thanks for your testimony.

23 Chair calls Allan Lichtman. Allan  
24 Lichtman. As Mr. Lichtman approaches, behind him will  
25 be Ruby Woolridge and J.R. Peacock.

1                   If you'd state your name and who you  
2 represent.

3                   MR. ALLAN LICHTMAN: I'm Allan J.  
4 Lichtman. I'm professors of history and formerly chair  
5 of the Department at American University. I am here  
6 representing the Texas Congressional Democrats against  
7 redistricting. I have been admitted as an expert  
8 witness on Voting Rights and redistricting by federal  
9 and state courts in more than 60 different cases. And  
10 I'm here to apply my expertise both to the issues of  
11 partisan fairness and voting rights. I've submitted  
12 written testimony and will hit the highlights orally.

13                   First, if the goal of redistricting is to  
14 have a legally valid plan that is fair to Republicans,  
15 that goal has already been achieved in the current  
16 plan. Indeed it can be demonstrated with clear  
17 quantitative precision that the current plan in terms  
18 of how it draws the district lines is not only fair to  
19 Republicans, it is more than fair to Republicans.  
20 Actually, providing Republicans an advantage.

21                   If you would look at Chart 2 on page 9 of  
22 my report, you would see that using the 2002 statewide  
23 average vote as a basic common tool for analyzing each  
24 district fairly and impartially, that under the current  
25 redistricting plans, Republicans have a majority of the

1 mean 2002 statewide vote in 20 out of 32 districts for  
2 approximately 63 percent. Indeed, in a majority of  
3 districts, in 17 districts, Republicans have a super  
4 majority of 60 percent or more. In 19 districts,  
5 nearly 60 percent, Republicans have a 55 percent or  
6 greater majority.

7                   Indeed, even if Democrats were to improve  
8 somehow their statewide voting in Texas and achieve a  
9 50 percent parity with Republicans, 59 percent of the  
10 districts, 59 1/2, or 19 districts, would still have a  
11 Republican majority as compared to only 41 percent  
12 having a Democratic majority for an 18 percentage point  
13 bias in favor of Republicans. And that's demonstrated  
14 on Chart 3 on page 10.

15                   If you would look further to Chart 4 on  
16 page 11, you would see that in terms of the  
17 distribution of Republicans and Democrats into  
18 districts, that the current congressional plan is  
19 virtually identical to the current Senate plan under  
20 which you all were elected and which produced nearly a  
21 two-thirds Republican majority in the State Senate.

22                   In other words, if Republicans have not  
23 achieved what they would like to achieve in Congress,  
24 it's not because of the plan, it's simply because they  
25 have not been as successful in running campaigns as you

1 all have been. (Applause by the audience.)

2                   If you turn to the next page of my report  
3 on page 12, Table 1, you would see that a number of  
4 Democrats, about half a dozen, are winning in  
5 Republican districts, including districts that by the  
6 basic standards of political science are so heavily  
7 Republican, nearly 70 percent, that they would consider  
8 to be packed in favor of Republicans and wasting  
9 Republican votes. That's what's going on in Texas.  
10 Not a plan that's unfair to Republicans, but Democrats  
11 winning in Republican districts.

12                   The plan that passed the House  
13 redistricting, that passed the House 1268C, would take  
14 much farther the already existing Republican bias in  
15 the current plan. If you look at Chart 5 on page 13,  
16 this plan would lock in 20 districts. Nearly  
17 two-thirds of the districts in the State of Texas with  
18 super majorities of more than 60 percent Republican.  
19 What that meant was, even if Democrats would improve by  
20 10 points and achieve the 55 to 56 percent vote that  
21 Republicans have today, Republicans would still control  
22 20 of 32 districts, despite being a minority under plan  
23 1268, which overall, given the combination of how the  
24 lines are drawn and the pairing of 9 Democrats, would  
25 produce a congressional delegation of 21 Republicans

1 and only 11 Democrats.

2 Next with respect to the issues of voting  
3 rights, I want to highlight two things.

4 CHAIRMAN DUNCAN: Your time has expired.  
5 We'll extend it by one minute, but you need to kind of  
6 wrap up.

7 MR. ALLAN LICHTMAN: That'll be fine. If  
8 you look at Congressional District 24 under the current  
9 plan, that is an effective minority opportunity  
10 district under the Voting Rights Act. If you look at  
11 Tables 3 and 4 on page 15 and 16, you will see that  
12 there was polarized voting in those districts, that the  
13 Democratic primary is controlled by African-Americans,  
14 that the African-American candidate for Senate in a  
15 multi racial election got 66 percent in the primary, 75  
16 percent in the runoff, and 60 percent in the general  
17 election. Any interference with this district clearly  
18 would result in a violation of Section 2 of the Voting  
19 Rights Act, as well as retrogression under Section 5 of  
20 the Voting Rights Act. (Applause by the audience.)

21 Finally, there are numerous other  
22 districts, including Districts 9, which is nearly 40  
23 percent minority, 1, 2, 11, and 17, that under the  
24 meaning of the brand new Supreme Court decision,  
25 Georgia v. Ashcroft, minority influenced districts in

1 which they have been the swing vote in electing  
2 candidates of their choice, were you to interfere with  
3 these districts and submerge them in Republican  
4 majorities, you would run grave risks of likewise  
5 violating the Voting Rights Act. You have a legal  
6 plan, you have a plan that's more than fair to  
7 Republicans. Don't risk violating some of the basic  
8 strictures of federal law. (Applause by the audience.)

9 SENATOR WEST: Mr. Chairman.

10 CHAIRMAN DUNCAN: Thank you,  
11 Mr. Lichtman. Senator West.

12 SENATOR WEST: Mr. Lichtman, you had  
13 indicated -- what were the minority influenced  
14 districts that you've indicated on --

15 MR. ALLAN LICHTMAN: There are a  
16 number -- there are five district that are 20 percent  
17 or more minority in which cohesive minority voting in  
18 general elections with white crossover has succeeded in  
19 electing Democrats; one, 2, 9, 11, and 17. And 9 is  
20 about 40 percent minority. The reason I highlighted 20  
21 percent is that was the number percentage cited by  
22 Justice O'Connor in her majority decision in Georgia v.  
23 Ashcroft for influenced districts.

24 SENATOR WEST: Let's -- let's -- for a  
25 few moments, let's talk about that.

1 MR. ALLAN LICHTMAN: Yes.

2 SENATOR WEST: Now, you have -- you have  
3 been designated as an expert in over 60 cases; is that  
4 what you said?

5 MR. ALLAN LICHTMAN: Yes, Senator.

6 SENATOR WEST: Federal and state court?

7 MR. ALLAN LICHTMAN: Yes, Senator.

8 SENATOR WEST: Does Georgia v. Ashcroft  
9 kind of change the landscape of Voting Rights Act  
10 cases?

11 MR. ALLAN LICHTMAN: Yes. And the reason  
12 it does so is it highlights several things. Number 1,  
13 Georgia v. Ashcroft highlights the importance of  
14 influenced districts in evaluating minority  
15 opportunities to participate fully in the political  
16 process and to elect candidates of their choice.

17 SENATOR WEST: Now, let me -- let's talk  
18 about that for one second.

19 MR. ALLAN LICHTMAN: Sure, Senator.

20 SENATOR WEST: My reading -- and I'm not  
21 a constitutional lawyer. I'm a lawyer. My reading of  
22 the case is that the majority basically said that  
23 they're looking at a day when race will no longer  
24 matter as relates to the Voting Rights Act and that  
25 they are attempting to establish districts where you

1 force coalition building between minorities and other  
2 ethnic groups. And these minority influenced districts  
3 would require such a coalition in order for someone to  
4 get elected, for one ethnic group would not be able to  
5 elect a candidate of their choice without cooperation  
6 with other ethnic groups.

7 Is -- do you find that implicit within  
8 that Georgia ruling?

9 MR. ALLAN LICHTMAN: I think it's not  
10 only implicit, I think it is explicit. If I may quote  
11 from Justice O'Connor. She says, "A court must, must  
12 examine whether a new plan adds or subtracts influenced  
13 districts where minority voters may not be able to  
14 elect a candidate of their choice, but can play a  
15 substantial, if not decisive role in the electoral  
16 process." So this is precisely what she's talking  
17 about. And she says you must look at such coalitional  
18 type districts.

19 SENATOR WEST: Well, now, is the state  
20 obligated to look at the creation of influenced  
21 districts, or can they make the choice of looking at  
22 the creation of influenced districts or super  
23 majority/minority districts?

24 MR. ALLAN LICHTMAN: I think it's quite  
25 clear from the case law leading up to Georgia v.

1 Ashcroft --

2 SENATOR WEST: Well, I understand --

3 MR. ALLAN LICHTMAN: -- and Georgia v.  
4 Ashcroft, the state must look at both.

5 SENATOR WEST: Well, what language in  
6 Georgia v. Ashcroft do you -- can you point to with  
7 particularity that requires the State to look at both?  
8 Because I was reading that and I was trying to figure  
9 out whether the State is compelled to look at the  
10 creation of influenced districts over that of the super  
11 majority districts.

12 MR. ALLAN LICHTMAN: Well, it's the  
13 language I just read. "A court must examine whether a  
14 new plan adds or subtracts influenced districts." We  
15 know from Thornbird v. Jingles and its following cases  
16 that you must look at districts like District 24 --

17 SENATOR WEST: Well, I understand you  
18 must examine it. However, are you obligated under  
19 Georgia v. Ashcroft, if you can create the influenced  
20 districts, is the State obligated to create those  
21 districts?

22 MR. ALLAN LICHTMAN: That is not clear,  
23 but I think it is clear that if a State dismantles  
24 influenced districts in creating a new plan, that the  
25 State runs a very substantial risk under Georgia v.

1 Ashcroft of violating the Voting Rights Act. Whether  
2 they must create new influenced districts, that I think  
3 is a question that is less settled by this particular  
4 case.

5 SENATOR WEST: Okay. And lastly, do you  
6 think that the court's litmus test for percentage of  
7 minorities in an influenced district, the minimum is at  
8 least 20 percent?

9 MR. ALLAN LICHTMAN: Again, I wouldn't  
10 draw a hard and fast line because the courts compel us  
11 to do a searching practical analysis of each district.  
12 I used 20 percent as a rule of thumb because she cites  
13 districts that are 20 percent or more minority in  
14 Georgia as potential influenced districts.

15 SENATOR WEST: Mr. Chairman, one other  
16 question, because I know there may very well be other  
17 questions. Georgia --

18 CHAIRMAN DUNCAN: Who's got your cell  
19 phone? Please cut it off.

20 SENATOR WEST: Georgia had a different  
21 situation in Texas. You had basically one ethnic  
22 minority in Georgia. You have districts in Texas with  
23 two ethnic minorities. How would you apply the Georgia  
24 test to influenced districts where you may have 25  
25 percent Hispanics and 15 or so percent African-American

1 or vise versa? How would it apply in that situation?

2 MR. ALLAN LICHTMAN: That's a very good  
3 question. If you look at my Table 3 of block voting  
4 and also if you look at the testimony by all the  
5 experts in the litigation in federal court after the  
6 2000 census, it is quite clear that in Texas, black  
7 voters and Hispanic voters are cohesive to a very high  
8 extent over 80 percent, even in some cases over 90  
9 percent in support of Democratic candidates. So even  
10 when you have two different groups coming together,  
11 like Hispanics and African-Americans in Texas, those  
12 groups in general elections by voting cohesively  
13 together in districts like 9 and 1 and 2 and 7 and 11  
14 can in fact swing the general election in favor of the  
15 candidates of their choice, which are the same  
16 candidates.

17 SENATOR WEST: Ell --

18 CHAIRMAN DUNCAN: Senator, before you  
19 follow up, I have to announce this because some people  
20 may miss their ride. I've been asked to announce that  
21 the last bus to Fort Worth is leaving now. So if  
22 you're on that bus, you'd better get out there. Don't  
23 all go at once, but... All right.

24 SENATOR WEST: The last question.

25 MR. ALLAN LICHTMAN: Yes, Senator.

1                   SENATOR WEST: When we began to do an  
2 analysis of the quote, unquote, influenced districts,  
3 what -- let me give you this hypothetical. Say that we  
4 decide that we have a district that's 35 percent ethnic  
5 minority and that ethnic minority is comprised of,  
6 obviously, African-Americans and Hispanics.

7                   MR. ALLAN LICHTMAN: Right.

8                   SENATOR WEST: Under the Voting Rights  
9 Act and also the Georgia case, how much flexibility do  
10 we have in leaving the ethnic minority population say  
11 at 35 percent, but changing the allocations of ethnic  
12 minorities within that district?

13                   MR. ALLAN LICHTMAN: You have a district  
14 much like that in Texas, District 9, which is in voting  
15 age 37 percent minority and it combines  
16 African-Americans and Hispanic. If you were to change  
17 the mix of African-Americans and Hispanics, you would  
18 have to see whether or not that would affect their  
19 ability to elect the candidate of their choice in the  
20 general election. For example, if the turnout of  
21 Hispanics is much lower than the turnout of  
22 African-Americans, and you keep roughly the same  
23 minority percentage, but it becomes more Hispanic and  
24 less African-American, that could weaken or even  
25 destroy the influenced district by undermining the

1 ability of Hispanics and African-Americans to unite  
2 together in coalition to elect candidates of their  
3 choice.

4                   So, again, you've got to do a search and  
5 practical inquiry. In fact, as District 9 is redrawn,  
6 under Plan 1268, it does in fact reduce the combined  
7 minority population and shatter their ability to elect  
8 candidates of choice by submerging that reduced  
9 minority population in a district that now becomes  
10 overwhelmingly well over 60 percent Republican.

11                   SENATOR WEST: Okay. Thank you,  
12 Mr. Chairman.

13                   MR. ALLAN LICHTMAN: Thank you, Senator.

14                   CHAIRMAN DUNCAN: And Mr. Lichtman -- I  
15 assume that Mr. Lichtman will be back before us  
16 probably in Austin, I would imagine. I don't know if  
17 you have a tendency to think so, but we do have about  
18 180 people left to go and it's 10:00 o'clock and I  
19 think if we want to talk to Mr. Lichtman, we'll  
20 probably have an opportunity to do that. These people  
21 have been waiting all day long, so we need to get to  
22 them.

23                   Any other questions? I really would  
24 appreciate if we could get to our witnesses, but go  
25 ahead. Senator Averitt, you had a question. Go ahead.

1 Senator Van de Putte. But please remember we have a  
2 hundred and something witnesses left.

3 SENATOR VAN DE PUTTE: I sure do, and  
4 I've refrained from asking any questions at this  
5 hearing, but I wanted to ask a quick question since we  
6 do seem to have someone with quite a bit of experience.

7 In the process, because much has been  
8 said about the process, and the difference between the  
9 House process and the Senate process, in a court case  
10 or in a -- as we go through this, is there a difference  
11 between the House process and the Senate process? Or  
12 since now the call has been open to redistricting, is  
13 it all lumped together? Or does it make a difference  
14 the different process?

15 MR. ALLAN LICHTMAN: I can answer that  
16 question not only as an expert in voting rights cases,  
17 but someone who's been an advisor to numerous state and  
18 local governments. And I understand the great  
19 tradition of independence of this distinguished body,  
20 but when it comes to formulating a redistricting plan,  
21 the House and Senate are joined at the hip like siamese  
22 twins. You cannot separate what the Senate does from  
23 what the House does since it is obviously a final bill  
24 that must be approved by both the Senate and the House.  
25 And in evaluating that legislation, both what the

1 Senate does and what the House does will be fully  
2 evaluated by the United States Department of Justice,  
3 which has some pretty specific guidelines about public  
4 input, and obviously by the courts if a Plan A comes  
5 out of the two bodies, and B there is litigation.

6 CHAIRMAN DUNCAN: Okay.

7 SENATOR GALLEGOS: One more quick  
8 question.

9 CHAIRMAN DUNCAN: One more quick  
10 question, Senator Gallegos.

11 SENATOR GALLEGOS: Let me --

12 CHAIRMAN DUNCAN: And then Senator  
13 Averitt has the opportunity to ask all his questions.

14 SENATOR GALLEGOS: Let me ask you real  
15 quick. One of the arguments that we're hearing from  
16 top, from the very top all the way down is that the  
17 Republican party deserves more congressional districts  
18 because they are the majority party in the State.  
19 That's the argument that we're hearing. What -- is  
20 that true?

21 MR. ALLAN LICHTMAN: Absolutely not.  
22 Redistricting is not an affirmative action program. No  
23 party -- (Applause by the audience.) No party is  
24 guaranteed a proportion of seats in proportion of  
25 votes. They're guaranteed hopefully an opportunity to

1 compete for those seats, but as we see here,  
2 Republicans actually have a majority in more seats than  
3 56 percent of their vote. Indeed, if in fact the  
4 percentage of seats should exactly influence the  
5 percentage of votes, we'd have to go and redo the  
6 redistricting process in Florida and in Pennsylvania,  
7 which are 50/50 states, but as a result of plans drawn  
8 by unified Republican governments have essentially  
9 produced two to one Republican versus Democratic  
10 majorities in Congress.

11 CHAIRMAN DUNCAN: All right. Anymore  
12 questions? Thank you, Mr. Lichtman.

13 MR. ALLAN LICHTMAN: Thank you,  
14 Mr. Chairman. I appreciate your indulgence. (Applause  
15 by the audience.)

16 CHAIRMAN DUNCAN: All right. The Chair  
17 calls Ruby Woolridge. Ms. Woolridge, do you want to  
18 approach? And before you begin, let me -- behind you  
19 will be J.R. Peacock and Daniel Cope and --

20 UNIDENTIFIED SPEAKER: What number are  
21 you on?

22 CHAIRMAN DUNCAN: We're only on number  
23 35. So, Ms. Woolridge, if you would, state your name,  
24 who you represent, please.

25 MS. RUBY WOOLRIDGE: I'm Ruby Woolridge.

1 I'm a senior associate pastor at Grace United Methodist  
2 Church in Arlington, Texas. I'm in Senatorial District  
3 10 and I'm also a member of other subgroups, but I'm  
4 here on behalf of my church, but I'm also an educator  
5 for more than three decades. And I'm a member of DAV  
6 support group. I have a son who is a Gulf War veteran  
7 and he's also suffering with the Gulf War Syndrome.  
8 And I'm here as one -- as a voice crying in the  
9 wilderness because I'm not here to talk about numbers.  
10 I've been under Republican leadership in my district  
11 for more than 20 years. And I've still got my rights  
12 and I'm still taking care of business, but I'm here  
13 because I think it's time for us to do the right thing.  
14 And I'm coming to appeal to the higher nature of this  
15 leadership that is sitting before me.

16 As we started this whole process at 3:00  
17 o'clock today it was beautiful the way that Chairman  
18 Duncan led it and the way he was supported by other  
19 member of this great contingency that you set the stage  
20 for a higher calling. And so I want to quote as -- I  
21 want to take liberty as an ordained United Methodist  
22 minister, so forgive me for quoting scripture if that's  
23 offensive to anyone, but it's who I am, okay? In Micah  
24 6.8, it says, "What are we required to do, but to do  
25 justice, to love mercy, and to walk humbly with God."

1 And if we're doing that, I wonder why we're here,  
2 because if we're doing that, justice was already done  
3 back in 2001. But I come to you again because I sat  
4 through the last hearing that was held on June 28th at  
5 U.T. Southwestern and I watched all those people go up  
6 and testify, and the majority of these persons that  
7 were testifying spoke against the resolution, but I  
8 woke up this morning to find out that that had been  
9 voted in the opposite of the voters' request who spoke  
10 on that Saturday. And it put me in the mind -- and my  
11 pastor asked me, my senior pastor, Dr. Sylvester Key,  
12 asked me to do this and so did the leadership. They  
13 said, "Remind the senatorial leaders that you're going  
14 to speak to tonight that there was a man called Pharaoh  
15 and that man wouldn't let the people go." And he said,  
16 "Remember that history repeats itself. There's nothing  
17 new under the sun." And since that is true, we're  
18 going to appeal to your higher nature as brothers and  
19 sisters on this planet called earth and this state  
20 called Texas, to do justice, to love mercy, to walk  
21 humbly before God and to do the right thing. Thank  
22 you.

23 CHAIRMAN DUNCAN: Thank you,  
24 Ms. Woolridge. Are there any questions for  
25 Ms. Woolridge? Thank you for your testimony.

1                   Chair calls J.R. Peacock. Is Mr. Peacock  
2 present? Let the record reflect that Mr. Peacock is  
3 not present but registers a position against  
4 redistricting.

5                   The Chair calls Daniel Cope. Mr. Cope,  
6 would you approach, please? After Mr. Cope we'll have  
7 Al Saldivar. And after Mr. Saldivar we'll have  
8 Mr. Shupert.

9                   Go ahead, Daniel. Thank you.

10                  MR. DANIEL COPE: Yeah. I just wanted to  
11 say my name is Daniel Cope and I don't represent anyone  
12 other than myself.

13                  Mr. Chairman, and Senators, I don't want  
14 to rehash everything that everyone else has already  
15 said today, except to say that I agree with most of it.

16                  I've got two major points. The first of  
17 which is, if you set this precedent redistricting mid  
18 decade without any sort of court order, it will open up  
19 Pandora's Box. There's plenty of states where  
20 Democrats control the legislature and the governor's  
21 mansion and I mean, I certainly wouldn't support it,  
22 but they could go off and do exactly what you're doing  
23 in order to basically cancel out this, which will only  
24 lead to chaos. I mean, I'm sure California -- budget,  
25 I'm sure they could redistrict tomorrow if they wanted

1 to. The governor doesn't have much to lose, so -- so  
2 this game could play out across all the states where  
3 one party controls both the legislature and the  
4 governor, which will lead to total chaos and really who  
5 knows who will come out ahead in that. But it will  
6 cost millions of dollars. Voters won't know who their  
7 Congressmen are anymore because it will change every  
8 two years or every time someone manages to control an  
9 entire legislature.

10 Another thing is that one of the major  
11 problems that Republicans claim is wrong with the  
12 current plan is that it's court drawn. The legislature  
13 didn't draw it. And this, they say, is a problem.

14 First of all, you know, I mean, it was  
15 the legislature itself who advocated their  
16 responsibility and then the governor who didn't call  
17 them back into session.

18 And second, courts have every authority  
19 to draw a map in compliance with the law. And second,  
20 if you were to pass this map, it's almost certain to go  
21 to court. Almost certain to be changed by the court  
22 because, as has been mentioned already today, there are  
23 numerous areas where Voting Rights Act and  
24 constitutional challenges could come up, in which case  
25 it will become another court drawn -- court drawn map

1 and, you know, if this is why we're here, then you end  
2 up with a court drawn map to replace a court drawn map  
3 and you don't have a legislative map anymore.

4                   Finally, I wanted to endorse a proposal  
5 by one of your colleagues. His nameplate is here, but  
6 I haven't seen him, Senator Jeff Wentworth. He's had  
7 for a number of years before the Senate and the  
8 Legislature a plan to create a bi/nonpartisan  
9 redistricting commission for Texas. And I won't get  
10 into the details, but basically I think that this is a  
11 great idea. It's already in place in Iowa and either  
12 New Mexico or Arizona, I don't really remember which,  
13 but basically this is the source of all of the  
14 competitive house seats, which I think really benefits  
15 Americans and would benefit Texans if it were put in  
16 place. So I want to thank you for your attention  
17 and -- any questions?

18                   CHAIRMAN DUNCAN: Thank you, Mr. Cope.  
19 Are there any questions for Daniel Cope? Thank you for  
20 your being here today. (Applause by the audience.)

21                   Chair recognizes Al Saldivar.  
22 Mr. Saldivar. Is Mr. Saldivar present in the audience?  
23 Let the record reflect that he is not present, but  
24 would like to register a position against  
25 redistricting.

1                   The Chair calls Gloria Shepherd. Is  
2 Ms. Shepherd in the audience? Let the record reflect  
3 that she's not present, but she does wish to register a  
4 position against redistricting.

5                   Chair recognizes Patricia Bell.  
6 Ms. Bell, are you present? Let the record reflect that  
7 Ms. Bell is not present, but she would like to register  
8 a position in opposition to redistricting.

9                   Chair recognizes John Alford. And it  
10 would be my suggestion, Mr. Alford -- why don't we do  
11 this. Let's take a -- do you plan on -- well -- the  
12 court reporter has been going and I know -- are you  
13 okay?

14                   THE REPORTER: I'm fine.

15                   CHAIRMAN DUNCAN: Okay. We'll go ahead  
16 and do Mr. Alford and then we'll take a break.

17                   Mr. Alford, state your name and who you  
18 represent.

19                   MR. JOHN ALFORD: John Alford. And I'm  
20 here on behalf of Democrats in the Texas delegation.  
21 And I just want to say a few things about the House  
22 process that has just completed. Not specifically  
23 about any of the many House maps we saw, but what I  
24 think the House process tells us about the process you  
25 face. That process began, as you all know, with high

1 hopes for what could be done to improve the current  
2 map. The current map apparently fairly easily could be  
3 redrawn to increase minority representation in Texas,  
4 to draw better districts for Texas, less gerrymandered,  
5 more compact, more respectful of existing communities  
6 of interest. And in the process, by undoing an  
7 unnatural Democratic gerrymander, to naturally produce  
8 a fair distribution of seats for the Republican party.

9           The House labored through multiple maps,  
10 through many hearings, through a great deal of  
11 high-powered map drawing expertise. And by the end of  
12 that process much of the promise for improving the  
13 existing map had fallen by the wayside. Their despite  
14 repeated attempts, there were no new minority districts  
15 to be found. Despite the effort to improve the  
16 physical appearance of the map, none of the maps,  
17 including the adopted map, improved on the physical  
18 appearance. They are maps that are less clean than the  
19 existing map. And what we're left with in the new  
20 rhetoric about the map is that there really is nothing  
21 in the map, except that by a set of artificial pairings  
22 the map will guarantee that certain districts perform  
23 in ways they haven't yet performed, despite their  
24 Republican numbers. And the very individuals who  
25 touted those many benefits to Texas are now left

1 touting just that one thing. And they're doing that  
2 for a map that is apparently, from even a surface  
3 examination, a less attractive map for Texas in the  
4 sense of traditional redistricting criteria.

5                   And I say that not as criticism of the  
6 House. I know the House process has had much -- has  
7 drawn much criticism, but I think many of the people  
8 working in the House had redistricting experience and  
9 they certainly had some very powerful redistricting  
10 help. I say that to indicate the challenge that the  
11 House took on. They took on a map which they had been  
12 told and I believe many of them believed was an easy  
13 map to improve. And they found that that process was  
14 arduous. And it reflects, I think again, not their  
15 lack of skill, but the fact that they were just  
16 mistaken about the existing map.

17                   If the -- and I've said this before, if  
18 the existing map were a Democratic gerrymander in any  
19 sense of that term, then it would be easy to undo that.  
20 Any map that you drew the respective communities better  
21 that was less irregular in its district outlines would  
22 naturally capture the underlying Republican strength.  
23 When you undo a gerrymander, you draw nicer districts  
24 and you get a truer or a fairer representation of the  
25 State. The problem with improving on the existing map

1 is simply -- and again, I hate to keep repeating this,  
2 but I keep hearing people who should know better say  
3 the opposite, the existing map simply is not a  
4 Democratic gerrymander. If it were improving it in the  
5 sense -- even in the limited sense of getting more  
6 Republican representation would be very straight  
7 forward. Even in that sense it's not straightforward.  
8 It can improve on Republican representation through  
9 pairing only by, in fact, replacing the existing map  
10 with a gerrymander.

11 So what you're going to have to do, if  
12 you have a non-gerrymandered map to get this resolved,  
13 is you're going to have to create a gerrymandered map.  
14 Okay. And that's not the fault of the House. That's  
15 the fault of the existing map. Okay.

16 The -- this myth of the Democratic  
17 gerrymander comes from political science. Many of  
18 political scientists who did comment on the 1991 map  
19 arguing that it was a clever gerrymandering. If you  
20 look back at those comments, you'll see what they were  
21 talking about. They were talking about the ability of  
22 the '91 map to create minority districts in Harris  
23 County and Dallas County primarily, while maintaining  
24 Democratic non-minority districts that surrounded them.  
25 They did that by a severe gerrymander in Harris and --

1 particularly in Harris and Dallas County. Look back at  
2 the '91 map for Dallas County, Harris County and you  
3 will see the gerrymander that everybody is talking  
4 about. Then look at the court map that replaced the  
5 '91 map for the 1996 elections. Almost all of that  
6 gerrymander is gone. Then look at the map that the  
7 court drew and that is now the existing map for Texas.  
8 There is nothing left of the gerrymander that was  
9 declared illegal by the court. There was never a  
10 Democratic gerrymander in rural East Texas. There is  
11 not one now and there never was one in the '91 map.

12                   So when you go out into areas of the map  
13 that weren't gerrymandered and try to artificially  
14 effect the result, you can do that only through a  
15 gerrymander.

16                   And so again, just on the basis of that  
17 House experience, I think the most positive spin you  
18 can put on the House experience is that they simply  
19 took on a redistricting task -- task that was far more  
20 difficult than they had anticipated. And the result is  
21 not surprising, given the -- given the task. The  
22 reality is that they were trying to improve on what is  
23 a substantially fair unbiased map for Texas.

24                   CHAIRMAN DUNCAN: Thank you, Mr. Alford.  
25 Senator Gallegos.

1                   SENATOR GALLEGOS: Let me ask you,  
2 Mr. Alford, on -- on exactly what you just said on  
3 gerrymandering -- and let me -- let me -- and let's go  
4 back to '91 because that's my -- that was my first year  
5 in the House. And what -- what was drawn was -- and  
6 let's go to Harris County. What was drawn is a  
7 congressional district where a Hispanic could win and  
8 obviously -- obviously I liked it, and -- but we went  
9 to court. We went to court. Even though I liked it  
10 and my community liked it, we went to court on it. And  
11 what the court -- and I testified in federal court for  
12 the map, even though it was gerrymandering, front of  
13 the legislature. The judge at that time said that  
14 there was -- that we had completely ruled out  
15 communities of interest. We had not put voting  
16 precincts in tact. We split a bunch of precincts.  
17 We -- there was -- okay. Communities of interest,  
18 splitting voting precincts, in some cases counties.  
19 The standard operating procedure under the Voting  
20 Rights Act that we basically violated back in '91. And  
21 then the courts -- what you just testified to, the  
22 courts put that back together again and compact -- on  
23 the -- and I'm talking strictly the 29th Congressional  
24 District in Harris County, that the courts put it back  
25 together compact -- contiguous, compact, not splitting

1 voting precincts, communities of interest, the whole  
2 ball of wax, and yet I have not seen the map that was  
3 voted on yesterday, but we go back to '91, but the  
4 federal courts told us, and it was a Republican judge  
5 that ruled, that we did wrong is basically what I'm  
6 hearing from -- from the people that are testifying  
7 today, is what was passed out of the House either last  
8 night or this morning.

9                   And basically 10 years -- well, '91, more  
10 than 10 years go. So what -- I guess what I'm asking  
11 you is if you've seen the map, and what I've -- what  
12 I've heard from testimony here, does that violate what  
13 we did back in '91 that the judge said we did, and he  
14 struck -- he struck the district. He struck the 29th  
15 District, that I liked and my constituents liked, but  
16 he struck it because he said we violated the rules on  
17 redistricting. That now comes a map that I have not  
18 seen that basically has done what we did back in '91.  
19 Does -- and gerrymandering, as far as counties, didn't  
20 keep counties whole, communities of interest as we've  
21 heard here going from Texarkana all the way to Dallas  
22 and have -- like I said, I haven't seen the map. But  
23 in your -- in your opinion, what we did we violated in  
24 '91 is -- like I said, I have not seen the map. Does  
25 that violate -- the map that was passed yesterday by

1 the House violate what we did in '91 in the 29th  
2 Congressional District?

3 MR. JOHN ALFORD: I'm not a lawyer and so  
4 I'm hesitant to say with assurance. The circumstances  
5 and the nature of the district are substantially  
6 different between the two periods. I think you're  
7 absolutely right about the history of that. And one of  
8 the things I think you'd recognize about the 29th was  
9 when the court redrew the 29th from the way the  
10 legislature drew it to the court's drawing and then to  
11 the most recent court drawing of the 29th, while they  
12 undid the racial gerrymandering in the 29th, it did not  
13 make the 29th ineffective. That is the -- the whole  
14 story of the Democratic gerrymandering of 1991 was that  
15 it was an attempt not just to create minority districts  
16 that were effective, but in the process to also protect  
17 Democratic districts that surrounded them from being  
18 diminished by that. And so the enormous irregularity  
19 of those '91 districts was not necessary to create  
20 minority representation. So the court was able to  
21 actually back substantially from that and the minority  
22 districts have worked. It hasn't always been true for  
23 the Democratic districts that were an attempt -- that  
24 '91 was an attempt to protect, but that gerrymandering  
25 is gone. It is not in the existing map.

1                   SENATOR GALLEGOS: Right.

2                   MR. JOHN ALFORD: And certainly we're  
3 moving back in the area of gerrymandering. I think --  
4 the issue of whether it's legal or not, I don't know.  
5 I don't -- we've all become sort of a book club for  
6 reading Georgia v. Ashcroft.

7                   And I want to add one more assignment to  
8 your reading. I'm sure you've all finished the  
9 majority opinion now. Read the descent. Read the  
10 descent. You learn more in Supreme Court decisions by  
11 reading the descents than you do in reading the  
12 decisions. And it's particularly if you don't happen  
13 to agree with the judges who wrote the governing  
14 opinion. It's not only informative, but it's more  
15 pleasant to read the descent. If you read the descent  
16 it'll tell you the key thing you need to understand,  
17 because the question people keep asking about is, well,  
18 what exactly does Georgia v. Ashcroft mean for  
19 redistricting in Texas? And if you read the descent,  
20 what they say is the problem with the majority opinion  
21 is that nobody in any state in the United States will  
22 be able to figure out what the hell George v. Ashcroft  
23 means for minority districts. That's exactly what they  
24 say in the descent, that this is not a standard for  
25 Section 5. This will mean that there will be no

1 standard for Section 5. That nobody will be able to  
2 figure out what it means. They're exactly right. If  
3 you think you can't figure it out, you're right.

4                   SENATOR GALLEGOS: I guess what I'm  
5 saying is what the judge gave us is a set of rules that  
6 we violated back in '91. That's what basically they  
7 said. Now, the same set of rules to this day still --  
8 still are there. And like I said, I have not seen the  
9 map, but what I'm hearing -- what I'm hearing is  
10 that -- is that this map violates those same set of  
11 rules that the judge told us that we violated back in  
12 '91 in creation of the 29th.

13                   MR. JOHN ALFORD: I think it's very  
14 important to remember that Texas has always violated  
15 some of those sets of rules. I don't believe in our  
16 lifetimes -- in our lifetimes I don't believe Texas has  
17 ever begun the decade with a legal congressional plan.

18                   SENATOR GALLEGOS: But two wrongs don't  
19 make a right.

20                   MR. JOHN ALFORD: Well, that's -- but  
21 Texas -- for the first time Texas begins a decade with  
22 a legal -- certifiably legal plan. (Applause by the  
23 audience.) It's -- it's a considerable accomplishment.  
24 And remember that when this -- when this legal plan was  
25 challenged in the Supreme Court, among the parties who

1 argued in the Supreme Court that they ought not to  
2 overturn this plan were the governor of the State of  
3 Texas, Governor Perry, through his representative  
4 General Cornyn.

5 CHAIRMAN DUNCAN: Thank you, Mr. Alford.  
6 Members, it's past the time for a break. We will now  
7 take a short break. We'll be -- return at. Thank you,  
8 Mr. Alford. We'll return at 10:25 promptly. Chair --  
9 or the Committee will remain in recess until 10:25 p.m.

10 (Recess for 20 minutes.)

11 CHAIRMAN DUNCAN: All right. The  
12 Committee will resume with witnesses. The next witness  
13 up will be Robert Van II. Mr. Van, if you'll approach,  
14 please. And if the audience will come to order we will  
15 start the testimony.

16 UNIDENTIFIED SPEAKER: Can you tell us  
17 what number he is?

18 CHAIRMAN DUNCAN: He is number 41. Thank  
19 you.

20 UNIDENTIFIED SPEAKER: Can you read us  
21 next -- somebody's name?

22 CHAIRMAN DUNCAN: I will do that. After  
23 Mr. Van we'll have Richard Waland or Wayland, Jr.,  
24 Tommy Smelser, and Boone Taylor.

25 Is Mr. Van in the audience? Let the

1 record reflect that Mr. Van is not present but would  
2 like to register a position against like -- clerk.  
3 Would like to register a position against  
4 redistricting.

5 The Chair recognizes Richard Wayland.  
6 Mr. Wayland, would you please approach? Mr. Wayland,  
7 are you present in the audience? Mr. Wayland is not  
8 present. Let the record reflect that he registers a  
9 position in favor of redistricting.

10 The Chair recognizes Tommy Smelser.  
11 Mr. Smelser. Mr. Smelser is present. If we could have  
12 order, please, so that he could give his testimony.

13 MR. TOMMY SMELSER: Thank you,  
14 Mr. Chairman, ladies and gentlemen of the Committee, my  
15 name is Tommy Smelser and I live in Grand Prairie,  
16 Texas in the Tarrant County portion.

17 I've been here since this was called to  
18 order and it's been very interesting. I'm not going to  
19 repeat -- I think they have covered every one of the  
20 points that I thought I was going to impress you with  
21 at least 20 times. So let's don't whip on a dead horse  
22 anymore.

23 But quite honestly, I think maybe this  
24 has provoked more questions in my mind than I came over  
25 here with, but hopefully this will be a learning

1 process for not just the Committee, but people like me  
2 that are concerned in our governmental process. I  
3 can't keep from wondering -- usually when something of  
4 this magnitude occurs, there was some kind of a  
5 causative or a precipitating event. And from  
6 everything that I've heard here this evening and  
7 tonight and tried to digest, I can't say, "Oh, that's  
8 why we're all here." You know, what -- what brought  
9 this up? And of all times to do it, it hasn't been ten  
10 pots of coffee ago that you folks were down there  
11 arguing and deadlocked in Austin saying that we're  
12 millions of dollars short and we can't approve the  
13 budget. Apparently a couple of pretty forceful  
14 telephone calls later, all of a sudden the money was  
15 there. But if our budget is even in doubt, why in this  
16 world do we do something like this that's going to be  
17 extremely expensive at best and probably a lot worse  
18 than that. I think the 1.7, if that's the correct  
19 percentage, is probably optimistic because being  
20 humans, we always tend to look on the bright side and  
21 we have cost overruns on way too many of the programs  
22 that we get involved in.

23                   And I'm not trying to -- I didn't come up  
24 here to say one critical word about anybody. I am very  
25 glad to say, even though I am just immersed in politics

1 right now, and I don't make any bones about it, I'm  
2 proud for the record to say that I'm a card carrying  
3 Democrat. I intend to stay that way. I also will  
4 state for the record that I am adamantly absolutely  
5 permanently and incurably against this proposal to  
6 change our mapping. I don't know why we need to do it.  
7 If we do need to do it, then why do we need to do it  
8 right now? We have a shortfall. Our school districts  
9 are in a world of hurt financially. Our county level  
10 operations are in financial ruin. Our State level  
11 government, our federal government is laboring with the  
12 biggest shortfall in the history of our nation. I may  
13 be wrong, and if I am I hope somebody will correct me  
14 out in the hall or something, I don't see that this is  
15 imperative one bit. I honestly don't, folks. And I'm  
16 saying that as a Texan and I'm saying it as an  
17 American. We Democrats don't call each other Air Force  
18 Rangers and pioneers or whatever all of those heroic  
19 terms are. You'll probably remember that we made it a  
20 point to go on record here recently saying we call each  
21 other Americans. And going one step farther than that,  
22 I'm proud that we call each other Texans.

23 Now, since I have bared my soul about  
24 being a Democrat and not -- unabashedly. I'm not  
25 ashamed of it. I'm proud of it. I happen to think

1 that at least at this point in history of our country,  
2 that the Democrats have the best thing to offer. I  
3 can't keep from wondering why, to the best of my  
4 knowledge, our opponents, but our fellow citizens have  
5 made a firm commitment they're going to raise \$200  
6 million just for election reasons if it harelips the  
7 governor.

8                   Now, the Democrats, and two of them are  
9 here tonight by the way, Senator Royce West and our  
10 very able congressman that was a witness here tonight.  
11 We're not trying to raise \$200 million. I'd start  
12 wondering, as I wonder about the Republican platform,  
13 why did they need to raise \$200 million? Why not run  
14 on your record? (Applause by the audience.)

15                   If I can -- just give me just a few  
16 seconds to close up. I know it's getting late and I  
17 don't want to drag this out, but I just beseech you  
18 with every drop of blood in my body, please, this is  
19 not mandatory. We've already been told I think beyond  
20 any shadow of a doubt, we're not in noncompliance with  
21 anything from the Supreme Court or any election laws or  
22 anything else. We don't have the money to be going out  
23 here spending millions of dollars. And if I have ever  
24 been to a meeting remotely like the nature of this  
25 meeting here tonight, I have never seen such one-sided

1 results on what is the -- the majority will of the  
2 people that attended this. Now, I can't tell what's  
3 going on out there that the people don't care to come,  
4 but this should give you folks a message so that you  
5 can go back and continue to capably represent us. It  
6 ain't a cliff hanger. It is a runaway on what we want  
7 as the taxpayers and the citizens of Texas. Thank you  
8 very much.

9 CHAIRMAN DUNCAN: Thank you, Mr. Smelser.  
10 Any questions? Thank you.

11 Chair calls Boone Taylor. After  
12 Mr. Taylor we'll have Bill Betzen. Mr. Taylor, please  
13 approach, state your name and who you represent.

14 MR. BOONE TAYLOR: My name is Boone  
15 Taylor. I'm from Fort Worth, Texas. When I speak I  
16 speak only for myself, but when I sing, I sing on  
17 behalf of the 12,000 members of the Texas State  
18 Employees State Union. And before I sing, I want to  
19 discuss the new map passed by the House yesterday just  
20 briefly.

21 The Fort Worth paper said the map would  
22 include part of Waco in Ms. Kay Granger's North Texas  
23 district, which includes mostly Fort Worth. Now, I've  
24 heard for many years, including this evening, Texans  
25 refer to North Texas and East Texas and South Texas and

1 Central Texas and so forth. And we all seem to know  
2 what these parts of Texas are. And we all seem to know  
3 that Fort Worth and Dallas, for example, are clearly in  
4 North Texas, while Waco is clearly part of the Central  
5 Texas. Now, I don't get Waco TV stations at my house.  
6 I don't think Waco residents get very many Fort Worth  
7 stations at their houses.

8 Similarly, there's various state agencies  
9 under both Republican and Democratic administrations in  
10 the last 20 or 30 years who have divided up the State  
11 into regions for various administrative purposes. And  
12 Waco has never been part of any North Texas region or  
13 vice versa. Common sense would say that you can argue  
14 about whether say, for example, Hillsboro belongs to  
15 the North Texas region or the Central Texas region.  
16 But it's obvious to me that Waco and Fort Worth belong  
17 in different areas and shouldn't have to share a  
18 Congress person.

19 Now, let me, if I may -- if I could get  
20 someone to pass these out, a sing along. And I knew  
21 y'all wouldn't know the words, so I went ahead and  
22 typed them up for you. This is called The Ballad of  
23 the Killer D's. Twenty-four -- twenty-four years ago I  
24 wrote The Ballad of the Killer Bees, and I'm glad to  
25 have lived long enough to find it necessary to write

1 the Ballot of the Killer D's. Here we go.

2 (Singing.)

3 "Let me tell you a tale about our  
4 Legislature On that glorious, victorious day when the  
5 Democrats showed us their courageous nature while they  
6 stifled ole Tom DeLay.

7 "Even though the GOP had won the last  
8 election, it was not enough to suit old Tom. So he  
9 went down to Austin while the House was in session to  
10 drop his big gerrymander bomb.

11 "Oh, will they ever return? No they'll  
12 never return and their fate may be unlearned. They may  
13 elude forever all the cops in Texas. Killer D's may  
14 never return."

15 Now y'all slow down. I'm not old man.

16 "It was 9:00 o'clock on a rainy Monday,  
17 the middle of the month of May when the Speaker sent  
18 the cops into Oklahomey on behalf of Hammer Tom DeLay.

19 "All he wanted was to get some  
20 conservatives elected, but he couldn't locate any  
21 Killer D's. So the quorum broke, his power grab  
22 rejected by a determined minority.

23 "Now you citizens of Texas, don't you  
24 think it's worth derision that Tommy always seems to  
25 get his way? Let's leave well enough alone with the

1 Supreme Court's decision, so Killer D's will come back  
2 to stay."

3 "Oh, they might never return, oh, they'll  
4 never return. And their fate might be unlearned. They  
5 may elude forever all the cops in Texas. Killer D's  
6 may never return." (End singing.) (Applause by the  
7 audience.)

8 SENATOR GALLEGOS: Mr. Taylor, you've got  
9 one minute left.

10 MR. BOONE TAYLOR: Thank you. I just  
11 wanted to express, you know, we can still have partisan  
12 positions as I've just expressed and still have fun  
13 with it, folks, you know. We don't have to get all  
14 serious about this good stuff. Thank you, folks.  
15 Thank you.

16 SENATOR GALLEGOS: Thank you. Any  
17 questions of Mr. Taylor? Thank you, Mr. Taylor. I can  
18 tell why -- I know now why the Chairman left me with --

19 CHAIRMAN DUNCAN: Senator, I -- Senator,  
20 I leave just one minute and we have a hoedown. I don't  
21 know --

22 MR. BOONE TAYLOR: I can do another one  
23 if you want.

24 UNIDENTIFIED SPEAKER: Encore.

25 CHAIRMAN DUNCAN: I heard you got great

1 reviews. Thank you for your -- thank you for your  
2 contribution.

3 UNIDENTIFIED SPEAKER: Don't dance with  
4 DeLay, dance with --

5 CHAIRMAN DUNCAN: We're all musicians up  
6 here ourselves.

7 The Chair calls Boone Taylor.

8 UNIDENTIFIED SPEAKER: That was him.

9 MR. BOONE TAYLOR: That was me, sir.

10 CHAIRMAN DUNCAN: Oh, Mr. Taylor, okay.

11 Thank you.

12 UNIDENTIFIED SPEAKER: Encore.

13 CHAIRMAN DUNCAN: Encore.

14 Chair calls Bill Betzen. Mr. Betzen.

15 Let the record reflect that Mr. Betzen is not in the  
16 audience but would like to register against  
17 redistricting.

18 Chair recognizes Carolyn Roberts.

19 Ms. Roberts, please approach. State your name and who  
20 you represent. Behind Ms. Roberts will be Karl Curry  
21 and Jacquelyn Sanders.

22 MS. CAROLYN ROBERTS: Good evening,  
23 Mr. Chairman and Senators. I'm Carolyn Roberts and I'm  
24 here to represent -- here from Fort Worth, Texas to  
25 represent my four young adult children and my two

1 grandchildren. And I'm here to speak against the  
2 redistricting effort.

3                   First of all, I need to tell this Senate  
4 Jurisprudence Committee that this hearing is a total  
5 waste of taxpayers' time and money. Also, the  
6 approximately \$1.7 million that it will cost to hold  
7 the current special legislative session to deal with  
8 this congressional redistricting issue would have been  
9 much better spent on health issues, insurance, excuse  
10 me, for our children and teachers, school textbooks,  
11 home health care for seniors, and prenatal care for low  
12 income Texans.

13                   Texas cannot afford to spend this kind of  
14 money frivolously. Additionally, the estimated \$7  
15 million that it will take to defend redistricting in  
16 court and the other expenses associated with this issue  
17 is another major waste of taxpayers' dollars. Are we  
18 not in the midst of a budget crises during which some  
19 much needed services have already been cut?

20                   Republicans use a very weak excuse in  
21 attempting to justify the need for conducting another  
22 redistricting eight years before one is due. They  
23 claim that federal judges drew the current map, not the  
24 State Legislature. Well, it is not the first time that  
25 federal judges have had to make decisions for states

1 and I'm sure it won't be the last.

2                   Actually, had Governor Rick Perry spent  
3 our tax dollars more wisely and called a special  
4 session in 2001 to handle the redistricting at the  
5 appropriate time, the federal judges would not have had  
6 to step in and do the job that our elected officials  
7 did not do.

8                   Now, Texas already has a constitutionally  
9 sound redistricting plan valid until the next census  
10 and certified by the United States Supreme Court last  
11 year. So you see, we really don't need to be here  
12 today. The job is already done. But now that you have  
13 forced us to come to this redistricting hearing to  
14 share our opinions on redistricting, I will do that.

15                   First of all, we do not need to be  
16 wasting this time trying to fix what is not broken.  
17 Texas has already been redistricted and we don't need  
18 to go through a reredistricting. Why? Simply because  
19 the puppeteer Tom DeLay sees how easy it is to control  
20 and manipulate Republican -- the Republican control,  
21 Texas legislature. And let's be real honest and frank  
22 regarding why we are here today. Simply put, it is Tom  
23 DeLay.

24                   Texas Republican State Senators, I ask  
25 that you stand up and act like you have some backbone.

1 Because DeLay financially supported many of your  
2 campaigns for office is not reason enough to allow him  
3 to manipulate you and control you to accomplish his  
4 personal agenda. Let Tom DeLay run the United States  
5 House of Representatives and let those who we elected  
6 to the State Legislature handle the business of the  
7 State of Texas. (Applause by the audience.)

8           If Mr. DeLay is not satisfied with his  
9 position as Republican majority leader of the House of  
10 Representatives, let him resign and run for the Texas  
11 Legislature. (Applause by the audience.) But we  
12 certainly cannot allow him to run all of the Houses.  
13 Let's be brutally honest here. The real issues are  
14 greed, control, and abuse of power. Republicans hold  
15 every statewide elected office and they also control  
16 the State Legislature, both Houses, but they are not  
17 satisfied with that. They have now bought into Tom  
18 DeLay's greed and are allowing themselves to be used to  
19 accomplish his selfish desire to have more power in the  
20 United States House of Representatives by changing the  
21 makeup of a Texas delegation, which Democrats currently  
22 control by 17 to 15. And apparently he is willing to  
23 satisfy his insatiable appetite for power through  
24 whatever means necessary, even the legal means.

25           We all know that the Republican party is

1 a wealthy party and obviously they are willing to use  
2 that money to buy what they want, and that includes  
3 influencing Republicans elected to the Texas  
4 Legislature to redraw our congressional districts.  
5 Well, we are not going to stand idly by and allow it to  
6 happen.

7 Mr. Chairman, I understand that my time  
8 has expired, but I can conclude in a moment if you'll  
9 allow me that.

10 CHAIRMAN DUNCAN: Sure.

11 MS. CAROLYN ROBERTS: Thank you.

12 One of the Democratic controlled  
13 districts in South Fort Worth that would be affected is  
14 a minority opportunity district. And consequently,  
15 according to the Voting Rights Act, must be protected.  
16 These new redistricting efforts are obviously an  
17 attempt to weaken and deny minority voting rights.  
18 Clearly it is also an attempt to get rid of some of our  
19 long time effective Democratic leadership in Congress,  
20 such as Congressman Martin Frost.

21 In moving to a close, I also need to tell  
22 you that this whole process of forcing us to deal with  
23 redistricting again after the courts have already done  
24 the job you wouldn't do at the appropriate time is  
25 similar to a disturbing trend occurring throughout the

1 United States. Specifically, African-Americans such as  
2 myself and other minorities are witnessing a rollback  
3 in civil rights, affirmative action. And now you want  
4 to tamper with our protections under the Voting Rights  
5 Act through this attempt to alter congressional  
6 districts.

7                   The United States Constitution mandates  
8 that redistricting be done every ten years based on the  
9 census. It does not mandate that we redistrict every  
10 time there is a new majority party in power. Any  
11 changes based on majority population -- majority party,  
12 excuse me, population, etcetera, must simply wait until  
13 after the next census.

14                   Finally, let me publically applaud the  
15 Democrats in the Texas State Legislature for attempting  
16 to stop this insanity by taking a bold step --  
17 (applause by the audience) by taking the bold step of  
18 fleeing to Oklahoma.

19                   I encourage you to continue to be bold  
20 and by whatever means necessary, do not allow power  
21 hungry Tom DeLay and those he controls in our State  
22 Legislature to undue the redistricting that the federal  
23 courts have already done and that the United States  
24 Supreme Court has certified.

25                   CHAIRMAN DUNCAN: Thank you, Ms. Roberts.

1 MS. CAROLYN ROBERTS: You Senators hold  
2 the power to make the right decision on this whole  
3 redistricting issue. I implore you to utilize your  
4 authority to see that this redistricting effort is not  
5 successful. Thank you.

6 CHAIRMAN DUNCAN: Thank you for your  
7 testimony. Any questions? Chair hears none.

8 Carl Curry. Mr. Curry. Is Mr. Curry in  
9 the audience? . Let the record reflect that Mr. Curry  
10 is not present, but would register a position against  
11 redistricting.

12 Chair calls Jacquelyn Sanders. Is  
13 Jacquelyn Sanders in the audience? Let the record  
14 reflect that Ms. Sanders is not present, but would like  
15 to register a position against redistricting.

16 Chair recognizes Bobby Corn --  
17 Corneliuson. Mr. Corneliuson --

18 UNIDENTIFIED SPEAKER: Her.

19 UNIDENTIFIED SPEAKER: She.

20 CHAIRMAN DUNCAN: Or Bobby, is she here?  
21 Let the record reflect that Ms. Corneliuson is not  
22 here, but would like to register a position against  
23 redistricting.

24 Chair recognizes Kenneth Haskovek. Thank  
25 you, Mr. Haskovek. And help me with your name.

1 MR. KENNETH HASKOVEK: It's Haskovek,  
2 Kenneth Haskovek. I'm from Ennis, Texas. I'll try to  
3 make my comments very brief.

4 If you believe in representative  
5 democracy, that elected officials -- rule only with the  
6 consent of the government, then you know that fairly  
7 drawn congressional districts are one of the essential  
8 pillars on which our nation depends. Without fairly  
9 drawn districts, a person's vote is diluted and too  
10 often rendered meaningless. Legislative bodies are  
11 best equipped to annex sound legislation when they  
12 truly represent the differences within our society  
13 because ideology and special interests are exposed and  
14 give way to common sense, reason, and a broader general  
15 interest.

16 Gerrymandering to sustain political power  
17 at the expense of the public interest is  
18 unconscionable. Our ancestors dumped tea in Boston  
19 Harbor and proclaimed no taxation without  
20 representation. Today would not be unreasonable to  
21 proclaim no taxation without fair representation.

22 Fair -- excuse me. Fair redistricting  
23 has been delayed far too long in the State of Texas.  
24 And as the U.S. Supreme Court has stated, justice  
25 delayed is justice denied. After four decades of

1 political gerrymandering during which minorities and  
2 Republicans have been cracked and packed for the  
3 benefit of Democratic congressman, I urge you to make  
4 genuine efforts to establish congressional districts  
5 that by reasonable standards are fair. No matter how  
6 diligent your efforts, you will not be able to  
7 formulate a perfect plan. However, your success in  
8 adopting a reasonably fair plan will help diminish  
9 cynicism and mistrust of government, while ensuring  
10 that the U.S. House of Representatives does indeed live  
11 up to its name and truly become the people's house.  
12 For those of you that are instrumental in that success,  
13 you can go home knowing that you served your state and  
14 your country with honor and distinction, by simply  
15 doing what is right.

16 Thank you for your consideration and for  
17 your service to the people of Texas.

18 CHAIRMAN DUNCAN: Thank you,  
19 Mr. Haskovek. Any questions? Appreciate your presence  
20 and testimony today.

21 Chair recognizes Gloria Flowers. Gloria  
22 Flowers. Is Ms. Flowers present? Ms. Flowers does not  
23 appear to be present, but would like to register a  
24 position against redistricting.

25 Chair recognizes Bruce Spaulding.

1 Mr. Spaulding, please approach. After Mr. Spaulding  
2 we'll have Nick Plummer.

3 Mr. Spaulding, state your name and who  
4 you represent.

5 MR. BRUCE SPAULDING: My name is Bruce  
6 Spaulding and basically I represent myself, I suppose.  
7 I believe if you look in mental hospitals around this  
8 state you'll find a lot of people that were in a hurry  
9 and I think that's what's going on here. You know, I  
10 think -- I think this guy DeLay came down from  
11 Washington in such a big hurry and he didn't even -- he  
12 neglected his job in Washington to come down here and  
13 have midnight meetings and to do all of this stuff  
14 behind closed doors in an secret in an attempt to grab  
15 more -- more power for himself and his party to -- to  
16 promote the president's agenda. And I think that's --  
17 I think we ought to slow down. You know, what we  
18 are -- what we're doing just to echo what -- what's  
19 been said here is unconstitutional according to the  
20 Texas Constitution and to the U.S. Constitution, which  
21 states that that is to be -- the districts are to be  
22 drawn by the population in those districts, according  
23 to the census every ten years.

24 Now, I can't figure out what we are in  
25 such a big hurry for. All good things come to them

1 that wait. Why -- why are we -- why are we in a hurry?  
2 Why are we in such a big rush? I mean, this guy was in  
3 such a big rush that he missed 14 votes in the House of  
4 Representatives just to promote his own self interest  
5 and just because he had this delusion of power.

6 Let me close by saying this. You know  
7 what happens when a person has the delusions? He's  
8 schizophrenic. Thank you. Any questions?

9 CHAIRMAN DUNCAN: Thank you,  
10 Mr. Spaulding. Members, any questions for Mr.  
11 Spaulding? Thank you. (Applause by the audience.)

12 I have an important announcement to make.  
13 If you are the owner of a Buick with the license plates  
14 T91 LPR, your lights are on and so you may want to --  
15 unless you have --

16 The Chair calls Nick Plummer.  
17 Mr. Plummer, state your name and who you represent,  
18 please.

19 MR. NICK PLUMMER: My name is Nick  
20 Plummer and I'm 58 years old and I live in Fort Worth  
21 and I'm extremely concerned as an American voter. I'd  
22 like to thank you all for your time for today. I know  
23 we're all very tired. I know that I am exceptionally  
24 tired, so I'm going to make it as quickly as possible.  
25 And you had said earlier about the room being crowded

1 into over spill, but I can tell you that if you keep  
2 continuing to support DeLay, it's going to be in the  
3 streets, all over the fields, and everywhere else in  
4 the State of Texas. So we've got to be careful.

5 (Applause by the audience.)

6 It's really very absurd while we're  
7 sitting here talking about this, and our men and women  
8 are over in Iraq fighting, how many may die today while  
9 we're here arguing this petty ridiculous motion that  
10 Tom DeLay has. I will say that I'm an independent  
11 voter. I don't vote Democrat and I don't vote  
12 Republican. No one owns me and I pick my people.

13 I want to say that my mother and father  
14 always raised me, and although they've been deceased  
15 for several years, I was always taught to care for the  
16 needy, the poor, the sick, the disabled, and respect  
17 people for whatever color they might be or religion  
18 providing they're not violent. This was instilled in  
19 me all my life. My mother and father were not  
20 Democrat, nor were they Republican. It's always been  
21 my belief to be and abide by these rules. I'm only an  
22 average American just getting by myself. However, it  
23 gives me great pleasure to know, as an American voter,  
24 that some of my tax money go for these programs that so  
25 desperately needed to take care of the poor, the sick,

1 the needy, and the hungry, and the children. That I  
2 enjoy paying my tax to, and I don't like it being  
3 diverted anywhere else.

4 I do not see George W. Bush and most of  
5 his administration truly concerned for this same group  
6 of people. I seriously and honestly say that. The  
7 president has tax cuts to the wealthiest people and  
8 many other programs that have already been cut will  
9 affect millions of Americans in a negative way as it  
10 has now done to so many poor and even in the middle  
11 class. And it's coming, and it's coming big time. Our  
12 President Bush needs just a few more seats in Senate  
13 Congress to further his agenda for his purpose. And  
14 that Tom DeLay's job -- Tom DeLay's job is fulfilling  
15 his desire by hook or by crook.

16 It's an unfair redistricting process  
17 going on here to achieve an unacceptable goal. It's  
18 plain for me to see President George W. Bush and some  
19 of the folks, including Tom DeLay, have some very big  
20 plans in the future for America, and believe me when I  
21 say most Americans are not included in this program.  
22 Republicans here, I say to you all now, the Republican  
23 party basically is a good party, a strong party, and  
24 each of you here I have deep respect to you, but you  
25 must take your party back and stop this nonsense. As a

1 young Republican, you don't have a chance to recover  
2 what damage might be done by this Tom DeLay's program.  
3 And I say that in all honesty.

4           Allow me to quote a proverb from the  
5 bible, if I may, "If a man shuts his ears to the cry of  
6 the poor, he too will cry out and not be answered." We  
7 must never forget this. If George Bush is such a  
8 christian and these folks -- we put our children first.  
9 The CHIP program, if we deny our children, and the  
10 poor, it will come back on us tenfold. There's  
11 absolutely no doubt. Don't call me a religious  
12 fanatic. I'm not a religious fanatic.

13           In closing, I would also say, in all due  
14 respect to Tom DeLay, I would really like to know -- he  
15 used to be exterminator before he came to Congress and  
16 Senate, and I know that in those days they didn't wear  
17 respirators. And in all due respect, it can cause  
18 brain damage and liver damage and other damages. And  
19 I'm not attacking him personally, but I don't  
20 understand where he's coming from. He's hurting the  
21 Republican party. And I hope the Republican party sits  
22 him down and has a nice talk with him.

23           And again, thank you all for your time  
24 and I appreciate it. And I know we're all very tired.

25           CHAIRMAN DUNCAN: Thank you, Mr. Plummer,

1 for your time. (Applause by the audience.)

2 Any questions? Thank you.

3 Chair calls Rosemarie Beall. Is  
4 Ms. Beall in the audience? Let the record reflect that  
5 Ms. Beall is not present, but would like to register a  
6 position in opposition to reredistricting.

7 Chair recognizes Wilma Hopkins. Is  
8 Ms. Hopkins in the audience? Let the record reflect  
9 that she is not in the audience, but would like to  
10 register a position against.

11 Helen Teeter or Teal, I'm sorry. Helen  
12 Teal. Is Ms. Teal in the audience? Let the record  
13 reflect that Ms. Teal is not here, but would like to  
14 testify against redistricting.

15 The Chair recognizes Robert Franklin. Is  
16 Mr. Franklin here? Thank you, Mr. Franklin. Would you  
17 approach, state your name and who you represent?

18 Following Mr. Franklin will be Billy  
19 Lindsay, David Louollen and Terrence -- we'll figure  
20 that one out in a minute.

21 Mr. Franklin.

22 MR. ROBERT FRANKLIN: I want to thank the  
23 Committee for the opportunity to speak. I particularly  
24 want to direct my comments to Senator Shapiro, as well  
25 as the rest of the panel here, but you are my senator

1 and your vote, as well as the rest of these votes, will  
2 be very critical in this matter, so I urge you to  
3 carefully consider the consequences of this vote.

4 I have carefully studied the arguments  
5 presented in opposition to the redistricting plan. It  
6 is unnecessary. It is illegal. It is unprecedented.  
7 It is racist. We've all heard that this evening. I  
8 have carefully read the newspaper accounts and listened  
9 to testimony before other subcommittees studying this  
10 issue for the purpose of finding a single reasonable  
11 argument in support of this plan.

12 I have come to the conclusion that there  
13 is no legitimate argument to support this plan. The  
14 only argument presented is that since the majority of  
15 voters in Texas voted Republican in the last election,  
16 the congressional lines need to be redrawn so the  
17 majority of our representatives are Republican. Since  
18 everyone knows the congressional districts are based  
19 upon population and not voting patterns, the only  
20 argument in support of this plan is fundamentally  
21 flawed.

22 This is a purely partisan attempt to grab  
23 power. The Constitution of the United States, the  
24 United States Supreme Court, and the Voting Rights Act  
25 all prohibit precisely what the Texas Legislature is

1 contemplating. Redistricting for purely partisan  
2 reasons is legally and morally wrong.

3                   Further, the local, national, and  
4 international backlash that will result will only serve  
5 to harm the Texas economy, Texas socially and  
6 politically. I urge each member of the Texas  
7 Legislature to carefully consider the long-term effects  
8 of the plan. Not only for ourselves, but on our  
9 children. They will no longer be considered living in  
10 a progressive state, the state that I moved to from  
11 California just two years ago.

12                   As the Jurisprudence Committee, it is  
13 your duty to act in the best legal of the State of  
14 Texas and its citizens. This proposal serves neither  
15 of those interests, but rather the partisan political  
16 interests in Washington. Therefore, it is your duty to  
17 condemn this bill before your colleagues in the  
18 Legislature.

19                   And one final note to Senator Shapiro.  
20 Before I came over here this evening I spoke to my  
21 mother about what I was doing here, 82-year-old Jewish  
22 woman. Took me quite a while to explain what this was  
23 all about. I'm not sure she understood it, but she  
24 one -- a one-word answer after I explained the whole  
25 thing. I think you'd appreciate this she said

1     bubamonsas (phonetic). And if the court reporter  
2     needs some sort of translation on that, let me know.  
3     Thank you. Thank you very much.

4                     CHAIRMAN DUNCAN: Thank you,  
5     Mr. Franklin. Any questions for Mr. Franklin?

6                     Billie Lindsay. Is Ms. Lindsay in the  
7     audience? Let the record reflect that she's not  
8     present, but she would like to register a position  
9     against redistricting.

10                    The Chair recognizes David Louollen.  
11     David Louollen. Is Mr. Louollen in the audience? Let  
12     the record reflect that he is not present, but would  
13     like to register a position against redistricting.

14                    Chair recognizes Terrence Bajule,  
15     B-a-j-u-l-e. Is Mr. Bajule in the audience? Let the  
16     record reflect that he is not, but he would like to  
17     register a position against redistricting.

18                    Chair recognizes Jake Whatley. Is  
19     Mr. Whatley in the audience? Mr. Whatley, would you  
20     approach, state your name and who you represent?

21                    MR. JAKE WHATLEY: My name is Jake  
22     Whatley. I am from Dallas, Texas. Senator West is my  
23     senator and I'm very lucky to have him for that.

24                    I'm opposed to redistricting. I'll try  
25     to keep it short. One thing I do want to go over,

1    though, that's hasn't been noted. We talked about  
2    where the money is not going while it's going here. We  
3    haven't talked about the State agencies that have had  
4    to halt the adoptions because right now they don't have  
5    the funding. And that is something that we need to  
6    think about. They need less than \$3 million. Right  
7    now they don't have the funding.

8                    I appreciate everybody that's been here.  
9    I had a lot of little pithy rude jokes, to be honest,  
10   but Senator Shapiro set the tone and I appreciated  
11   that, as did the Chair. Thank you.

12                   I do think, though, that we need to ask  
13   ourselves what purpose this serves. We are very vocal  
14   here. Some people would say there's a silent majority  
15   that wants this. I don't know that that's true, but is  
16   it really worth it? We're wasting money. We're --  
17   we've got Texas splitting apart, which was Republican  
18   Lieutenant Governor David Dewhurst' point about we  
19   didn't need to bring this up back in March when he said  
20   it. So I would just say that. I'd also add that my  
21   aunt said to pass on to Senator Staples that in  
22   Chandler, Texas they're not -- they're not for this.  
23   She said he can go to Brookshire's to the produce  
24   department at any time, the ladies there will, as  
25   they're picking through their fruit and their

1 vegetables will say, "We don't support it." And go  
2 ahead and end there. (Applause by the audience.)

3 CHAIRMAN DUNCAN: Thank you, Mr. Whatley.  
4 Any questions?

5 Chair recognizes Peggy Carlin.

6 Ms. Carlin, please approach, state your name and who  
7 you represent.

8 MS. PEGGY CARLIN: Good evening. I'm  
9 Peggy Carlin and I represent my own tired self.

10 What we've heard today is a great  
11 majority of those who have testified and those who have  
12 left without testifying that we are overwhelmingly  
13 opposed to this redistricting. What has failed to be  
14 mentioned here is that, at least I haven't heard, how  
15 many newspapers across this country -- or across our  
16 state are also opposed. I read somewhere, and I don't  
17 know where, that approximately 70 major newspapers in  
18 Texas have come out against this. I'd just like to  
19 read a couple -- or several headlines from various  
20 papers and I'll identify them. I also have the  
21 editorials that go with them for the record.

22 Out of the Abilene Reporter News, "San  
23 Angelo hearing crucial for Abilene. Redistricting  
24 shuts out public interest. State doesn't need two  
25 special sessions. Flight of the Killer D's helpful to

1 Abilene. Redistricting not helpful to Abilene.

2                   The Austin American Statesman. One-party  
3 rule, bad for Texas. GOP takes a second shot at  
4 redistricting. GOP gets session to push redistricting.  
5 Special session on redistricting would waste 1.9  
6 million. Only time will tell if the spirit of  
7 cooperation can exist in the House. Let Texas voters  
8 decide party makeup of U.S. House members. Craddick  
9 forgot about bipartisanship when DeLay came to town.  
10 Lack of leadership. No reason other than petty  
11 vindictiveness for redistricting. Push for  
12 redistricting wrong and offensive. It should be  
13 defeated. Redistricting again? Texas has enough  
14 trouble.

15                   Corpus Christi Caller Times. Let's get  
16 this over and move on. I second that. Redistricting  
17 could hurt Texas and D.C. Perry ops for a payback and  
18 special session called. Using the DPS to shadow  
19 Capelo's wife was crude and heavy handed. Texas is in  
20 for a spell of partisan gridlock. Craddick's  
21 mishandling of the House has led to revolt. Texan  
22 Republicans should spurn DeLay's call to revisit  
23 redistricting.

24                   The Dallas Morning News. Legislatures --  
25 Legislator out of line. Social Security -- Social

1 Security query was an insult. Out of bounds, seeking  
2 legislator at a hospital was a bad idea. A learning  
3 experience. Texas GOP overplays hand in Legislature.  
4 Let this issue die, I agree. Beyond Ardmore, Texas  
5 needs a bipartisanship panel. Stop the shams. Tommy  
6 Mandarin DeLay's redistricting plan reveals disdain.  
7 Redistricting overreaching, don't push it, terrible  
8 idea.

9 Fort Worth Star Telegram. GOP power grab  
10 messes with Texas. Now he tells us. What Tom DeLay  
11 missed, security breach. SB99, spike it. Killer D's.  
12 Playing with map pencils. You've got to be kidding.  
13 Let it be.

14 The Houston Chronicle. Beware the  
15 scorched earth, it was a redistricting battle. Quid  
16 pro quo. Special tension, redistricting session bound  
17 to bring partisan tit for tat. Wrong priority.  
18 Special session on redistricting, wasteful and  
19 divisive. Flight of the D's. Strategic retreat to  
20 Fort DeLay is good for all Texas. Fight -- flight in  
21 Texas House is Washington driven. Oh, Tom, just admit  
22 what you're up to. Ruled out.

23 The Killeen Daily Herald. Redistricting  
24 looms yet again.

25 Longview News Journal. Games are being

1 played.

2 Lufkin Daily News. The bug man cometh.

3 The McAllen Review -- the McAllen Monitor  
4 Review. Don't redraw the map.

5 The San Angelo Standard Times.

6 Redistricting to produce citizen casualties.

7 The San Antonio News Express. Discording  
8 week, belongs in the past. Texas House flies have  
9 reason to vote. Don't redraw Texas congressional  
10 districts, ignore push to redraw Texas congressional  
11 districts.

12 The Temple Daily Herald. Redistricting  
13 is a bad idea of this legislative system -- session,  
14 excuse me.

15 The Waco Tribune Herald. Chaos is  
16 hypnotic spell. Will Waco be a target? House  
17 exterminator. Bringing down the House. Not about  
18 diversity, Tom. The caper is the crime. And finally,  
19 from the Waco Tribune Herald, come sugarland flu.

20 Gentlemen, ladies, I ask you to please  
21 let this testimony here today inoculate you from  
22 sugarland flu. (Applause by the audience.)

23 CHAIRMAN DUNCAN: Ms. Carlin.

24 MS. PEGGY CARLIN: And I have these  
25 editorials to go along with this that I'd like to put

1 in the record, please.

2 CHAIRMAN DUNCAN: Okay. Thank you very  
3 much. We'll see that they're in the record. Members,  
4 any questions of Ms. Carlin?

5 Chair recognizes Theresa Daniel.  
6 Ms. Daniel, are you in the audience? Let the record  
7 reflect that Ms. Daniel is not present, but would  
8 register against -- has registered against  
9 redistricting.

10 Chair recognizes Pamela Donnelly. Let  
11 the record reflect that Ms. Donnelly is not present,  
12 but would register against redistricting.

13 Chair recognizes Nancy Wilson. Is  
14 Ms. Wilson in the audience? Let the reflect that Ms.  
15 Wilson is not present, but would register a position  
16 against redistricting.

17 Chair recognizes Joel Downs. Is  
18 Mr. Downs in the audience? Let the record reflect that  
19 Mr. Downs is not present, but would register a position  
20 for redistricting.

21 Chair recognizes Paula Bohm. Is Ms. Bohm  
22 in the audience? Let the record reflect that Ms. Bohm  
23 is not present, but has registered a position against  
24 redistricting.

25 Chair recognizes Jim Nickerson.

1 Is Mr. Nickerson in the audience? Thank you,  
2 Mr. Nickerson. Would you approach, state your name and  
3 who you represent?

4 MR. JIM NICKERSON: Hi, my name is Jim  
5 Nickerson and I'm representing myself.

6 Mr. Chairman, I'm a conservative  
7 Democrat. I guess that means that I know that neither  
8 side does all right all the time and all -- the other  
9 side does all wrong, the other side. And that I know  
10 that not many issues are just black and white, that  
11 there's -- most issues are gray. And I know that --  
12 and to reach those hard issues it takes people working  
13 together, and I've seen all of y'all on the Senate  
14 floor and how, although y'all disagree on things, but  
15 you come together to work out issues. And it's -- and  
16 I know how tough it is and I know you -- when you about  
17 got something worked out and somebody comes in and it  
18 wrecks the whole thing, and then you go back and you  
19 work harder and you keep, you know, until you come up  
20 with a solution. But the thinking in -- behind this  
21 map is -- to me is kind of a winner take all. It's  
22 like the leadership of the House in Washington, you  
23 know, when the -- when the majority leader uses words  
24 like the other members are irrelevant, and that he is  
25 government, you know, that -- that's not that working

1 together. And, you know, in -- this issue that y'all  
2 are working on, you know, there's -- these are big  
3 stakes of how the country is going to move forward.  
4 You know, we've got a \$400 billion deficit, you know.  
5 We've got the baby boomers that are hitting. We've got  
6 health care costs are going up. I mean, these are --  
7 these are highly complex issues that takes everybody  
8 working together to find a solution. And I know y'all  
9 are tired of hearing about Tom DeLay. And I am sure  
10 tire of hearing about Tom DeLay, but when the thinking,  
11 the mentality is with blinders that I'm right and  
12 everybody else is wrong, that doesn't help anybody.  
13 And that same thinking is -- is the -- you know, when  
14 Senator Wentworth and Senator Ratliff were attacked by  
15 the Free Pack, you know, last year before the primaries  
16 that -- you know, some horrible -- you know, Brian  
17 McCall here up there in Plano was the same thing. You  
18 know, that's not right. These are fine people. You  
19 know, Senator Ratliff is, you know -- you know, he's,  
20 to me, although I don't agree with him and everything,  
21 I think he's one of the finest men I know in or out of  
22 government.

23                   You know, and the mentality to attack  
24 those people because they're not Republican enough or  
25 they don't agree exactly as I do, that's just wrong and

1 y'all don't need to be a part of that.

2                   Senator Duncan, I've seen you. I've  
3 heard Senator Ratliff talk about how fine a man you are  
4 and I know full well that you're not a Tom DeLay  
5 Republican. And when you -- when y'all go to work on  
6 this issue, and I know Mr. Staples is the same way. My  
7 buddy Tom Ramsey brags on you all the time. You know,  
8 think about that. Think of what -- what the end result  
9 is and where our country's moving and think that people  
10 working together instead of having blinders on is the  
11 way to go.

12                   Just a couple of other quick things. On  
13 these numbers over here that the gentleman had, and I  
14 forgot what his name was, you see the -- in the first  
15 congressional district -- I'm in Max Sandlin's district  
16 by the way. The reason Max Sandlin -- or let's say the  
17 reason that Governor Perry wins up in my part of the  
18 world is because the NRA backs him and the farm bureau  
19 backs him and the Chamber of Commerces back him. And  
20 the reason Max Sandlin wins is because the NRA backs  
21 him and the farm bureau backs him. That is one ugly  
22 sign you've got there. And because, you know, Max  
23 Sandlin is the guy there. I mean, he's a hunter and  
24 he's a fisher and he coaches the little league teams  
25 and he knows everybody.

1                   This -- and I understand the numbers  
2 game, well, you know, so many people voted Republican  
3 and blah blah, but let me -- one other thing. The last  
4 four elections Max Sandlin has had, one year was  
5 against an actor. I can't remember his name. And it's  
6 a damn good thing he was a better actor than he was a  
7 politician. Nice man, I liked him, but he had no  
8 business being in Washington. The other three years  
9 was from Camp County. The guys that ran were from Camp  
10 County. Good friends of mine. I'm in Kiwanis with  
11 both of them. Okay. I trust them with my life, but  
12 they're extreme to the right, very conservative people.  
13 So if you've got the moderate voters that are going to  
14 vote, who are you going to vote for? A conservative  
15 Democrat that's backed by the NRA and the farm bureau  
16 and that or are you going to vote for a guy that said,  
17 "Well, we ought to take a vote on school prayer because  
18 the majority wins"? That's what he said. I didn't --

19                   One other real quick. I promise I'll be  
20 quick. The -- and I would bet the farm that the House  
21 map is not going to go through the Senate, you know.  
22 You know, and when the Republican guy here earlier that  
23 said that -- you know, that said all the liberal white  
24 guys. You know, Charlie Stenholm is really a liberal,  
25 you know. But the idea of Texarkana going all the way

1 to almost Baylor Hospital in downtown Dallas, it's  
2 ridiculous. I mean, y'all know it and I know it and  
3 everything, but, you know, we've got the water thing.  
4 There's a big deal on water, wanting to build a lake in  
5 East Texas for Dallas. I mean, it was a major battle  
6 and our congressman helped us stop that, you know. I  
7 think the yards in Dallas ought to be pretty, but I  
8 don't want them to take my land to build a lake where a  
9 guy in Dallas can water his damn lawn. And especially  
10 when Dallas has got the highest water usage per capita  
11 of anybody in the country. Okay.

12 We've got timber mills in East Texas, you  
13 know, where we make pulp. There are bushes in Dallas.  
14 There are no trees in Dallas. That is a bush.  
15 Hospitals, you've got Baylor Hospital here. We've got,  
16 you know, little small community hospitals there. The  
17 Medicare, Medicaid, the way that -- the way that's  
18 structure in the different areas. You know, it's not  
19 a -- it's not community of interest, it's a direct  
20 conflict of interest. So when y'all do what you're  
21 going to do on that, remember that. It's just -- you  
22 know, little common sense. And remember that y'all are  
23 Texas people first and don't -- you know, what somebody  
24 says in Washington is not what you've got to do. You  
25 know, y'all are good men and women, so do what's right.

1                   CHAIRMAN DUNCAN: Thank you,  
2 Mr. Nickerson. Are there any questions for  
3 Mr. Nickerson? Thank you for your testimony.

4                   Chair recognizes Jane Burberage. Number  
5 72. Ms. Burberage is not present in the audience, but  
6 would register a position in favor of redistricting.

7                   Chair recognizes Joe Burkleo -- Burkleo.  
8 Mr. Burkleo.

9                   MR. JOE BURKLEO: Mr. Chairman, Members  
10 of the Senate Committee. I appreciate the opportunity  
11 to be here. You know, I'm reminded, as I told the  
12 chairman, 33 years ago I was elected a precinct chair  
13 at a very young age, the same year I ran for city  
14 council at large and received more votes than many of  
15 the people in the single member districts. I have  
16 spent my entire life serving on many city boards and  
17 commissions, on various DART boards. I'm currently  
18 vice chair of the CAC. And I was thinking back to when  
19 we had the grand opening out in Plano and Ms. Shapiro  
20 was there and I don't think when Ms. Shapiro was  
21 championing the rights of abused children or children  
22 that had been abducted that she said, "I only want it  
23 to be Republican children." It was bipartisan. She  
24 cared about an issue and she fought very hard for it.  
25 Just like mass transit, she believed in mass transit.

1 It wasn't a Republican or Democratic issue, it was what  
2 was good for the region. And if I remember correctly,  
3 Mr. DeLay worked very, very hard in Houston to defeat  
4 mass transit down there in a city that if you ever  
5 drive through that city at rush hour, God only knows  
6 why anyone would need mass transit down there. I think  
7 maybe the gentleman earlier had a point earlier about  
8 some of the pesticides going to Mr. DeLay's brain.  
9 That is absolutely ridiculous, but the thing that  
10 really bothers me is that we are wasting all this money  
11 to do something like this whenever -- as I pointed out  
12 to the chairman, this state currently is 50 percent  
13 minority. It is going to be, by the year 2012 or 2013,  
14 maybe even sooner, 50 percent Mexican-American. By Tom  
15 DeLay's logic, do we then switch the Texas language to  
16 Spanish using his logic, the majority rules? I think  
17 not. Do we -- because this -- in this country, 50  
18 percent of all the new births today are people of  
19 Hispanic heritage. That means within the next  
20 generation, this country is going to more than double  
21 the Hispanic population. Do we -- do we just turn our  
22 backs on these people, the Hispanic community, the  
23 African-American community, the Asian communities,  
24 they're growing faster than the Anglo community, just  
25 because for whatever reason they didn't get out there

1 and vote? They're still paying taxes. They're still  
2 working. They deserve a right and they deserve a  
3 voice. And as was pointed out by the experts earlier,  
4 the Republican already have the majority in the House,  
5 in the State Senate, in the House of Representatives.  
6 You have every statewide race. How greedy can you be?

7                   In the race in Florida, the reporters  
8 that went back and recounted all those ballots,  
9 determined that if every single had been counted  
10 correctly, that we would have a different president  
11 today. It really concerns me that we go over there and  
12 overthrow a country and get rid of a cruel dictator,  
13 who we all agree was a cruel dictator for \$1 trillion  
14 worth of oil, while we let millions of people die in  
15 Africa of AIDS and starve to death all over the world  
16 and we don't care about it.

17                   Just the other day, Mr. Chairman, on Date  
18 Line, there was -- when George Bush, Jr. took office  
19 there was one million officially unemployed people in  
20 America. Today there are two million people. On Date  
21 Line it showed an African-American man, a degreed man  
22 who had lost his job, lost his home and his car, his  
23 wife on their first child, five days after that child  
24 was born it died of malnutrition. We can't take care  
25 of our own in this country. George Bush calls himself

1 a compassionate, conservative christian. I don't call  
2 it Christianity when you're turning your backs on the  
3 children of the State of Texas. You're cutting CHIPS  
4 programs, you're cutting all sorts of other programs.  
5 People are hurting in this state, in this country and  
6 you have the nerve or the gall to consider something  
7 that is just a power grab on the part of Tom DeLay to  
8 try to come in here and he knows that the demographics  
9 of this state are changing just like you told me your  
10 own district is becoming more and more Hispanic. One  
11 of the things that I really respect about State Senator  
12 Shapiro is she has always seemed to be fair. Just like  
13 my own state senator, Royce West.

14 I never will forget a meeting that he was  
15 at one night. He was always nice enough to come to  
16 meetings in the community. That's why all of us,  
17 regardless of whether white, black, or brown in his  
18 district really have a great deal of respect for him.  
19 And somebody tried to play the race card in that  
20 audience, and Senator West spoke up and he said, "I'm  
21 not going to have it. I represent all the people of  
22 the district and we're not going to play by color.  
23 We're going to do what's right." And that is the  
24 reason that -- just because we're white males, we're  
25 not all racist bigoted Republicans. And you think

1 about who supports the Republican party. The Aryan  
2 Nation, the Klu Klux Klan. David Duke was not a  
3 Democrat. Senator Thurman was not a Democrat. He was  
4 a Klu Klux Klansman. Jesse Helms was a Republican, not  
5 a Democrat. And when you go in there to vote, you  
6 think about if you want to be labeled with people like  
7 David Duke, Jesse Helms and Strawn Thurmon, the Klu  
8 Klux Klan, the Aryan Nation, and all the other people  
9 that are the conservative right wing of the Republican  
10 Party that are nothing but racist, bigoted people. And  
11 I can assure you they may call themselves Klu Klux Klan  
12 Christians, but they're not going to heaven. (Applause  
13 by the audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Burkleo.

15 Chair calls Marjorie Ford. Is Ms. Ford  
16 in the audience? Let the record reflect that Ms. Ford  
17 is not present.

18 Bob Stuart. Is Mr. Stuart -- oh,  
19 Ms. Ford, I forgot to register her position. She has a  
20 position for.

21 Bob Stuart, is he in the audience? Let  
22 the record reflect that Mr. Stuart is not in the  
23 audience, but would register a position for.

24 Ann Hubener -- Hubener.

25 MS. ANN HUBENER: That's okay.

1 CHAIRMAN DUNCAN: Close enough?

2 MS. ANN HUBENER: Pretty close.

3 CHAIRMAN DUNCAN: You knew who I was  
4 talking about.

5 MS. ANN HUBENER: Yes, sir.

6 CHAIRMAN DUNCAN: Would you --

7 MS. ANN HUBENER: There's not too many of  
8 us, but three of us are here today.

9 CHAIRMAN DUNCAN: Would you pronounce  
10 your name and let us know --

11 MS. ANN HUBENER: My name is Ann Hubener.  
12 I'm not representing anyone. I happen to be a realtor.  
13 I'm a mom of two Red Raiders. I'm a homeowner. I'm a  
14 clean air advocate.

15 CHAIRMAN DUNCAN: Scored a point. Scored  
16 two points.

17 MS. ANN HUBENER: I'm a member of a  
18 chamber board. I'm on the church board, etcetera, and  
19 I go to the beauty parlor.

20 I'm telling all of this to you because I  
21 could easily be one of those nightmare constituents of  
22 any of you guys. Excuse me.

23 UNIDENTIFIED SPEAKER: Maybe you are.

24 MS. ANN HUBENER: I am a nightmare  
25 constituent. As an aside, as a realtor I've

1 represented buyers and sellers in every district  
2 represented here, except for yours. Sorry about that.

3                   So I want to just tell you, I'm just one  
4 of the folks. I would like to trust you and think you  
5 are wise, respectful of me and all of the Texans and  
6 that's what you asked us at the beginning of this  
7 hearing, but the last legislative session that just  
8 adjourned proved to me I needed to be more vigilant.  
9 You stripped my rights. You placed me in danger and  
10 you allowed discriminatory practices in this state to  
11 continue. So when we get to talking about  
12 redistricting, it is hard for me to swallow my temper  
13 and that we, you and I, are spending our time and my  
14 money on this little trip.

15                   You voted to keep ordinary citizens out  
16 of the courts. Courts are all packed. Just packed,  
17 packed, packed. As I look at the makeup of this  
18 committee, I know the votes are here to pass a new map  
19 of some kind of some sort out. Now, you are actually  
20 voting to keep the whole State of Texas in court for  
21 years to come. How could you guys do this? Now this  
22 sounds insane. But you tort reform people ought to be  
23 very unhappy about that.

24                   Last weekend I went to a high school  
25 class reunion and there was a cross section of folks

1 from all over the state. I'll tell you, they think I'm  
2 really left wing and liberal and all this stuff. I  
3 will tell you they're all white Anglo Saxon  
4 Protestants. So I took a little survey. They all knew  
5 about redistricting. They do vote. Some had even  
6 called their House members. Only one person in our  
7 whole little crowd of about 400 was in favor of  
8 redistricting, and that was for a personal reason.

9                   So just when you're thinking about this,  
10 it's not just me as a lefty or so and so as a moderate.  
11 It's -- people don't like confusion. And this is very  
12 confusing in their lives as they're trying to keep  
13 their jobs, raise the kids, pay their bills, keep the  
14 cars running, whatever it is. And if you would just  
15 think of what each one of us or you could do for your  
16 district if you had an extra million dollars to spend,  
17 dream about it, pray on it. You could do it if you  
18 would prioritize your spending. Spend the money on the  
19 folks, not on the lawyers.

20                   I appreciate it. Thanks for coming to  
21 De Soto.

22                   CHAIRMAN DUNCAN: Thank you, Ms. Hubener.

23                   MS. ANN HUBENER: We like this facility.  
24 We do appreciate that you gave us some money to build a  
25 facility. Thanks, Senator West. Thanks, Florence

1 Shapiro. Thanks all of you guys.

2 CHAIRMAN DUNCAN: Thank you. Appreciate  
3 it very much.

4 Chair recognizes Gwenda Kidd. Ms. Kid.  
5 Is Ms. Kidd in the audience? Let the record reflect  
6 that Ms. Kidd is not present, but would register a  
7 position against redistricting.

8 Chair recognizes David Kidd. Mr. Kidd,  
9 are you in the audience? Let the record reflect that  
10 Mr. Kidd is not in the audience, but would register a  
11 position against redistricting.

12 Chair recognizes Dorothy Dean. Ms. Dean,  
13 are you in the audience? Let the record reflect that  
14 Ms. Dean is not present, but would register a position  
15 against redistricting.

16 Chair recognizes Katy Hubener. If you  
17 would please state your name and who you represent.  
18 Hubener.

19 MS. KATY HUBENER: Yes. Thank you very  
20 much. I'm Katy -- Katy Hubener and I don't represent an  
21 organization tonight, but normally when you see me I  
22 have a clean air hat on. I come to Austin regularly.  
23 I visit with many of your staffers and I implore you to  
24 pass good pieces of legislation that will help make our  
25 air a little safer to breathe or we'll keep Texas from

1 being the national dumping ground for nuclear waste.

2 I am one of you. I care very much about  
3 Texas. I care very much about what happens and I know  
4 that you've made right choices in the past. I know  
5 that you, Senator Duncan, have been a leader on trying  
6 to keep us not to become a dumping ground for nuclear  
7 waste. What I'm asking you tonight to do is to take a  
8 deep breath. I know that I do every time you guys  
9 recess. And step back, no offense, take a step back,  
10 and deny DeLay. Tell them that you don't want to  
11 redistrict. You're getting too much heat from the  
12 people in your districts. The people of Texas don't  
13 want this. There are better ways that you can spend  
14 \$1.7 million than to do this today.

15 I also want to say that I think the big  
16 dogs have eaten way too much. I echo the concerns of  
17 my mother. I'm a professional advocate by trade. I  
18 follow very closely about what takes place. I know the  
19 watch dogs aren't winning. The lap dogs are. And I  
20 guess what I'm saying is that I don't want anymore lap  
21 dogs in Austin. I want us to have people who are  
22 statesmen and I think that those people are represented  
23 very well in the Senate. I know that you are among  
24 them.

25 I want us to have people who will not

1 give into the big dogs. I want people who are going to  
2 stand up and let citizens decide what takes place. Let  
3 the juries decide what's going to take place in our  
4 court system. I want the big dogs to go home. I want  
5 real insurance reform and that's the message I'm  
6 delivering to you today. I want -- I want the big dogs  
7 to go home and I want children to have health  
8 insurance. I want that to happen for the people of  
9 Texas. I want that to happen for the future of Texas  
10 and I think that you are the statesmen and the people  
11 that can help do that, so I'm imploring you to tell  
12 Perry and tell Tom DeLay that you just can't do it,  
13 that this is not right. It's not moral and you'd like  
14 to deny DeLay. Thank you.

15 CHAIRMAN DUNCAN: Thank you, Ms. Huebner.  
16 Appreciate your testimony. Thank you.

17 Chair recognizes Matthew Porter. Is  
18 Mr. Porter here? Thank you, Mr. Porter. Please  
19 approach, state your name and who you represent.

20 MR. MATTHEW PORTER: My name is Matthew  
21 Porter. I live in Fort Worth, Texas and I'm here to  
22 represent myself. You know, I had a whole folder full  
23 of stuff and an arrow -- quiver full of arrows that I  
24 was going to shoot, but they've all been shot. So I  
25 just wanted to say a couple of things.

1                   First of all, I said I live in Fort  
2                   Worth. I work for American Airlines. I'm a  
3                   maintenance inspector out there. And we did bring up  
4                   the issue of money. You know, I took a 17 percent pay  
5                   cut a couple of months ago. At the same time Tarrant  
6                   County decided to raise my property taxes by 22  
7                   percent. Farmers Insurance decided since they were  
8                   going to rewrite me a policy they would go ahead and  
9                   raise that as well. So, you know, I'm having a little  
10                  trouble with this whole concept of redistricting right  
11                  now.

12                  I read in the Fort Worth Star Telegram  
13                  one of my union sisters committed suicide after being  
14                  laid off after 17 years with American, so you'll excuse  
15                  me if I'm a little bit emotional about redistricting.  
16                  There are other things, I think, that are more  
17                  important to the people.

18                  The beauty of a bicameral system is that  
19                  the Senate has a chance to step back from the  
20                  fistfighting and the nastiness that goes on on the  
21                  floor. I was a legislative representative for my  
22                  union. I went up to Washington often and I watched the  
23                  transition from the Democrats to the Republicans.  
24                  There's no difference in the partisanship that exists,  
25                  but what is important to this State and to the people

1 of the State are the hundreds of millions of dollars of  
2 federal money that come into this State.

3 I guarantee you that if the Texas Senate  
4 and the Texas House and the governor proceed with this  
5 plan, they will gain five or six Republican seats, but  
6 they will lose billions of dollars. Transit money will  
7 not be forthcoming to the Texas Legislature or to the  
8 Texas State willingly. California, New York,  
9 Pennsylvania will retaliate. If they don't have the  
10 votes on the floor, they'll find some way to cut the  
11 funding. We don't have an income tax in this State.  
12 The money has to come from somewhere. Since we're not  
13 going to do it through new taxes, I'm not sure what  
14 we're going to do. Are we going to start printing it?  
15 There are some serious, serious ramifications down the  
16 road. And as the distinguished Senator said earlier,  
17 we have a bicameral system. The purpose for that is so  
18 that the Senate can sit back and pour some oil on the  
19 water.

20 Senator Wentworth has a proposal, has had  
21 a proposal for sometime to look into the redistricting  
22 program. We can stop doing this. When I moved to  
23 Texas 10 years ago, 12 years ago, I was told there are  
24 certain things they take really seriously down here,  
25 high school football is one of them. You wouldn't have

1 us here, I guess, if this was on a Friday night.  
2 Mr. DeLay might have preferred that the hearings were  
3 held on Friday night in October, but I also found out  
4 that in the State of Texas you guys only get to meet  
5 for seven months every two years. And when I asked why  
6 that was, they said, well, it's because they can't get  
7 into too much mischief that way. But then they have  
8 special session afterwards, so...

9 I would seriously just ask the Senate to  
10 consider the long-term ramifications. I know my time  
11 is coming up. I really appreciate the opportunity to  
12 address the body. Everything has really been said  
13 tonight. Just go back and do the people's work, which  
14 is rational thinking. The retaliatory effects coming  
15 out of Washington on a deal like this one are not worth  
16 what we're going to have to go through.

17 Thank you very much.

18 CHAIRMAN DUNCAN: Thank you, Mr. Porter.  
19 Appreciate your testimony. (Applause by the audience.)

20 Chair recognizes Bill Betzen.

21 MR. BILL BETZEN: Thank you. Thank you  
22 very much. My name once again is Bill Betzen. I live  
23 here locally about two miles south of here and I'm here  
24 as a grandparent, a grandparent of a generation that  
25 quite frankly all of y'all are concerned about, I'm

1 certain. And the fastest growing segment in that  
2 generation, the multiracial grandchildren. Many of us  
3 have grandchildren. No matter what our ethnic group,  
4 our kids can be different colors, races, and that's the  
5 beauty. Our -- my grandparents wouldn't recognize my  
6 grandchildren because that generation had racial  
7 dividing lines. My children's generation, fortunately,  
8 are crossing those lines, and that's the proof that we  
9 are becoming an integrated culture. We have  
10 multiracial grandchildren. And that is the problem  
11 with redistricting. When my grandchildren come to the  
12 age where they are voting, where they are involved in  
13 the political process, I want them to see political  
14 leaders that reflect their makeup, that have the same  
15 cross-section that they are representing. And that is  
16 the danger of this bill. It will be a step backward.  
17 The ghosts of the KKK may be proud of the -- what Tom  
18 DeLay is doing today, but our grandchildren will be the  
19 ultimate judges. Please stop this process. Thank you.

20                   CHAIRMAN DUNCAN: Thank you, Mr. Betzen.  
21 Let the record reflect our -- the Chair calls Dee Jay  
22 Johannesen. Mr. Johannesen, please state your name and  
23 who you represent.

24                   MR. DEE JAY JOHANNESSEN: Thank you. My  
25 name is Dee Jay Johannesen. I'm the executive director

1 of the Health Education Learning Project, a minority  
2 based nonprofit organization in Fort Worth that serves  
3 at risk women and at risk youth.

4 First of all, I would like to thank this  
5 Committee today for the tone you have set. I had the  
6 opportunity to be at the House Committee meeting for 17  
7 hours and you all are listening, you're reflecting and  
8 I hope that our voices are heard. We did not feel that  
9 at the House Committee meeting and that was reflected  
10 by their vote yesterday.

11 Let's face the -- the facts are we are in  
12 the middle of a redistricting. We are spending \$1.7  
13 million and Governor Perry found \$1.7 million very  
14 quickly for this process. I just wish he could have  
15 found the same money to serve 1,235 children in  
16 after-school program for an entire year or to enroll  
17 1,000 kids in the CHIPS program or to provide 450  
18 Texans who are living with HIV with lifesaving  
19 medications for an entire year. (Applause by the  
20 audience.)

21 I was happy to hear each of you saying  
22 that you had not seen a map, that you had not looked at  
23 a map yet. I'm glad because I feel that this issue can  
24 be resolved without ever looking at a map.

25 Many people say that we have to look at

1 census, and yet we hear the Republicans talk about the  
2 vote. Well, I'm going to put the devil in the  
3 details -- and go with you on this one. And the fact  
4 is 56 percent of the people who voted in 2002 voted for  
5 a Republican candidate. So the Republicans want 56  
6 percent of the congressional delegation to be  
7 Republican. So you're tying the people who chose to  
8 show up and vote over a 12-hour period on November 5th  
9 and those percentages to what you want to see. Well, I  
10 would challenge you that at least 82 percent of the  
11 people who have showed up at the many hearings that we  
12 have had over the past several weeks have been opposed  
13 to this redistricting plan. And using the same logic  
14 that you're using to redistrict, I would expect that  
15 seven out of the eight of you, 82 percent of you would  
16 vote not to bring this up, because that is the will of  
17 the people. That is the logic that is being used.

18                   The fact is the current map that we have,  
19 Governor Perry had the option of redistricting in 2001.  
20 He chose not to do it because he didn't control both  
21 Houses, both the House and the Senate, and felt he had  
22 a better chance by having the courts draw the map. And  
23 in fact when the map was drawn, Republicans had the  
24 majority in 20 out of the 32 districts. So everybody  
25 was happy until the votes were tallied. And the fact

1 is that Republicans only had 15 out of the 32 elected.  
2 And they were saying, "What's wrong? We don't  
3 understand it." Well, the fact is 120,000 Republicans  
4 put a priority behind education, behind social  
5 services, and behind the people and they voted for  
6 Democrats to represent them.

7                   The Republicans want to use a microwave  
8 thing and they don't want to put the work behind  
9 getting their own people elected. As the executive  
10 director of a nonprofit organization, we are having to  
11 do more with less. We are having to work with more  
12 people with less funds. And if you want to see  
13 Republicans elected in those six districts, you are  
14 going to have to do more. It is not a simple and easy  
15 fix. And all of you said you didn't look at a map.  
16 Well, some senators have been looking at maps because  
17 I'm also a realtor and I was really surprised when one  
18 of the senators showed up at an open house we had and  
19 we said, "But you can't live here because this isn't in  
20 your district." And they responded, "Oh, don't worry  
21 about that. We'll just redraw the lines." That was  
22 three weeks ago. So people are looking at that and  
23 people are making plans.

24                   Anyway, the fact is that the courts are  
25 going to end up redrawing this anyway because if you

1 all pass it, it's going to go to court and the courts  
2 will redraw the lines. So you're not going to get what  
3 you want anyway and -- not going to get what Governor  
4 Perry wants. Not you.

5 So I urge you all to vote for the people  
6 and vote not to hear the redistricting and not to bring  
7 it up and let's put this to bed. (Applause by the  
8 audience.)

9 CHAIRMAN DUNCAN: Thank you.

10 MR. DEE JAY JOHANNESSEN: One thing my  
11 grandfather used to say when I would get in trouble as  
12 a kid was "Just because you can do something doesn't  
13 mean you should." And so I urge you to take that wise  
14 advice from my grandfather. Thank you very much.

15 CHAIRMAN DUNCAN: Thank you,  
16 Mr. Johannesen. I've been asked to state the -- we're  
17 on card 84.

18 Chair recognizes Patricia Bowie.

19 UNIDENTIFIED SPEAKER: What card are we  
20 on?

21 CHAIRMAN DUNCAN: Eighty-four.  
22 Ms. Bowie, are you in audience? Let the record reflect  
23 that Ms. Bowie is not present, but would register a  
24 position against.

25 Chair recognizes Laverne Copeland.

1 Ms. Copeland. Let the record reflect that Ms. Copeland  
2 is not present, but would register in opposition to  
3 redistricting.

4 Chair recognizes Charles Bateman.

5 Mr. Bateman, are you in the audience? Let the record  
6 reflect that Mr. Bateman is not present, but would  
7 register a position in favor of redistricting.

8 How are you doing?

9 THE REPORTER: Fine.

10 CHAIRMAN DUNCAN: Record -- the Chair  
11 calls Irvin A. Uphoff. Is Mr. Uphoff here? Let the  
12 record reflect that Mr. Uphoff is not present, but  
13 would -- has registered against redistricting.

14 Chair recognizes Abigail Brown. Is  
15 Ms. Brown in the audience? Let the record reflect that  
16 Ms. Brown is not present, but would register a position  
17 in opposition of redistricting.

18 Chair recognizes Claudia W. Wilson. Is  
19 Ms. Wilson in the audience? Let the record reflect  
20 that Ms. Wilson is not present, but would register  
21 against redistricting.

22 The Chair recognizes Kathy Adams. Is  
23 Ms. Adams in the audience? Let the record reflect that  
24 Ms. Adams is not present, but would register a position  
25 in favor of redistricting.

1                   It's been suggested that we go ahead and  
2 take a break so that we can reorder the cards and  
3 perhaps speed this up a little bit where we don't have  
4 to read all of the cards -- as many of the cards of  
5 those who aren't present. And we've been going now for  
6 a little over an hour and 15 minutes, so let's -- let's  
7 do that. And we'll return at 12 -- try to return at  
8 12 --

9                   SENATOR WEST: Hold on. Hold on.

10                  CHAIRMAN DUNCAN: And if -- yes. Hang on  
11 just a minute. Before y'all leave, everybody sit  
12 tight.

13                  SENATOR WEST: Mr. Chairman, all of those  
14 persons who want to testify, could we ask them to come  
15 down front and let us pull the cards.

16                  CHAIRMAN DUNCAN: Yeah, if you -- if  
17 you -- but let me help organize this. We did this in  
18 Houston and it worked real well. If you've already  
19 testified, move back to the back during the break. And  
20 if you haven't testified, come forward and then we'll  
21 find your cards and then we'll be able move so that you  
22 don't have to wait here all that long. And we'll take  
23 a recess until about midnight. Till tomorrow.

24                               (Recess for 15 minutes.)

25                  CHAIRMAN DUNCAN: We want each and

1 everyone of you to testify. You have five minutes, of  
2 course. You can do the math on that. If you can avoid  
3 redundancy, that would be very helpful. If you could  
4 give us back and give those -- your colleagues in the  
5 audience back a little time, that would help as well,  
6 but we will continue with a five-minute limit. We  
7 won't -- we won't compress that. We appreciate very  
8 much your hanging here with us and your patience with  
9 this process.

10 So without saying anymore, we'll go ahead  
11 and is everybody ready? We'll move to our first  
12 witness. Witness number 95, Reece -- Reecie K. Yetski.  
13 Is Mr. Yetski -- I hope I didn't pronounce your name  
14 too badly. I --

15 MR. REECIE GIESKE: You can butcher my  
16 name, just don't butcher the State of Texas, please.  
17 (Applause by the audience.)

18 CHAIRMAN DUNCAN: Good comeback.

19 MR. REECIE GIESCKE: My name is Reecie  
20 Giescke. I'm a resident of Ellis County, Mr. Averitt's  
21 district. I want to thank you for finally getting to  
22 me on the list. I know my time could have been better  
23 spent and I think yours could have been too.

24 Now, this process was totally  
25 unnecessary. This is not a census year, nor are we

1 adding new seats to Congress. Now, I'm president of  
2 the United Aerospace Workers, Local 848, in Grand  
3 Prairie, Texas. I represent 2,500 employees and about  
4 1,500 retirees. These people work at Vought Aircraft  
5 and Lockheed Martin Missiles in Grand Prairie and at  
6 the Raytheon plant in Garland, Texas. Many of the  
7 members I represent vote either party, with a lot of  
8 independent ideas. Many of us see no good coming from  
9 these meetings. And I, however, want to thank  
10 Mr. George Bush, Mr. Rick Perry, Mr. Craddick, and Tom  
11 DeLay for waking up my membership and leadership.  
12 That's something I've tried to do for a long time.  
13 After this scenario, I feel sure that our voted turnout  
14 will be much increased and our voters will be much more  
15 informed.

16                   Please use your time to protect our  
17 public schools and our teachers, keep Texans working,  
18 keep the elected positions elected, and pursue fair  
19 insurance rates. I think that's what most of y'all are  
20 elected to do. We have no need for a dictatorship in  
21 Texas or any other place in this nation. (Applause by  
22 the audience.) In response to some earlier comments, I  
23 assure you my children will not attend Richland  
24 College. This is not the will of the people, as you  
25 can plainly see, for us to be here. I strongly oppose

1 the redistricting as it stands in any form.

2 I thank you for your time and attention  
3 while we still have a voice. Thank you very much.

4 CHAIRMAN DUNCAN: Thank you, Mr. Giescke.  
5 Any questions for Mr. Giescke? Chair hears none.

6 Chair calls Russ Pate. Mr. Pate.  
7 Following Mr. Pate will be Sharon Barbosa Crane.

8 MR. RUSS PATE: Well, in two minutes I  
9 can say buenos dias because we're almost there.

10 CHAIRMAN DUNCAN: You've got five.

11 MR. RUSS PATE: Good evening. My name is  
12 Russ Pate. Very native Texan. Some of my folks moved  
13 from Kaufman County to Lubbock County, and I'm sure  
14 that Mr. Duncan probably is aware of the Tubbs and  
15 Spikes. And I can say my family conducted the last  
16 cattle drive from Lubbock, Texas to Tatum, New Mexico  
17 in 1932.

18 I'm here before you today in support of  
19 the current congressional map, 1151C. I'm sure you  
20 recall that Delwin Jones was chair of the House  
21 Committee in 2001 and passed the redistricting map and  
22 later the House passed that map, but however when it  
23 came to the Senate, Senator Sibley decided not to  
24 consider it. And I think he probably had like 11 votes  
25 to keep it from being considered.

1 I think it's apparent with all the  
2 testimony that I've been hearing, is that we can very  
3 well end up where we started and that the map that was  
4 drawn in 2001 will stand. And the question for all of  
5 you is that, is it worth 10 million or even \$17 million  
6 to defend this map? At this time there are very --  
7 there are many worthy reasons. The special session is  
8 one 1.7 million, and there are very -- many other  
9 reasons that many people have given you to spend that  
10 money. Nine of the ten largest insurance carriers for  
11 home and auto insurance have said that they are going  
12 to stand on their rates and that the savings we were  
13 supposed to get out of Senate Bill 14 will not -- we  
14 will not see the reduction in homeowner rates, which as  
15 a realtor affects my clients profoundly.

16 Or you might want to investigate whether  
17 major carriers have overwritten their policies that  
18 could -- that their assets could justify, and see how  
19 many more carriers can do business in Texas. That  
20 would be a worthy consideration for a special session.  
21 Health care is expensive as well. And maybe we should  
22 look to reinstate all the children taken off the CHIPS  
23 insurance program so they can receive timely doctors'  
24 appointments and inoculations.

25 I've been following the process -- this

1 process since House Bill 3398 passed out of the regular  
2 session. It was apparent to all that the map would not  
3 make it out of the federal courthouse. Representative  
4 King in Weatherford has attempted to redraw that map to  
5 assure minority/majority districts are not packed and  
6 cracked, but somehow redraw the lines to assure  
7 Republican victories in rural areas of East of and West  
8 Texas. So more rural counties have been cracked to  
9 accommodate this political outcome. Counties such as  
10 McLennan, Erath, Cherokee, Bosque, Henderson have been  
11 split. Members of Congress such as Martin Frost, Gene  
12 Green, Chris Bell, Charlie Stenholm, Chet Edwards, Max  
13 Sandlin, Jim Turner, Ralph Hall, Nick Lampson, have  
14 served their constituents well are drawn out of their  
15 districts. And may I add to the record, one of their  
16 biggest issues that realtors are confronting in  
17 Washington D.C. is the big grab, which is banks getting  
18 into the real estate business. As you will see by this  
19 list of the co-sponsors from the State of Texas, that  
20 five of the six congressional members that the House  
21 Bill is targeting, these are some of our co-sponsors  
22 for the very important legislation.

23 In conclusion, I understand there's a  
24 substantial amount of pressure that could be applied to  
25 the Republican members of the Texas Senate, especially

1 to favor House Bill 3. Not only does Tom DeLay want  
2 this map passed, so does Karl Rove and so does  
3 President Bush. But who matters most in our  
4 democra- -- in our Republic? The Karl Rove or the Tom  
5 DeLays of the world or the people of the State who  
6 elect candidates of their choosing?

7 So I'd ask you to do the right thing and  
8 save the taxpayers money and democracy in Texas. Use  
9 the Senate rules to kill House Bill 3 and allow map  
10 1151C to be enforced until the next census in 2010.  
11 It's time to elevate politics in the state, not  
12 bulldoze it into a mass grave. (Applause by the  
13 audience.)

14 CHAIRMAN DUNCAN: Thank you, Mr. Pate.  
15 Senator Gallegos.

16 SENATOR GALLEGOS: Mr. Pate.

17 MR. RUSS PATE: Yes.

18 SENATOR GALLEGOS: Let me ask you one  
19 question because you reminded me even though the hour  
20 is late. You're saying that Chairman Jones had a  
21 congressional plan that was passed out of the House  
22 but -- what was your testimony?

23 MR. RUSS PATE: It was passed out of the  
24 House, and according to the quorum report, Senator  
25 Sibley didn't allow it to be brought to the floor of

1 the Senate.

2 SENATOR GALLEGOS: You said --

3 MR. RUSS PATE: Apparently -- I remember  
4 at that time talking to some Republican friends, that  
5 they had different ideas about what the congressional  
6 map would be. And I don't think the Senate ever heard  
7 that.

8 SENATOR GALLEGOS: So are you saying --  
9 and this is you, not me.

10 MR. RUSS PATE: This is me, yeah.

11 SENATOR GALLEGOS: That Senator Sibley  
12 and ten others blocked the congressional map from  
13 coming on the Senate floor?

14 MR. RUSS PATE: Correct.

15 CHAIRMAN DUNCAN: I don't think they had  
16 a congressional map.

17 SENATOR SHAPIRO: That's not what  
18 happened.

19 CHAIRMAN DUNCAN: It was the Senate -- it  
20 was --

21 MR. RUSS PAGE: It wasn't the quorum  
22 report where I saw it. And I could look it up and get  
23 it to Senator West's office for the record, if you'd  
24 like.

25 CHAIRMAN DUNCAN: Why don't you do that.

1 MR. RUSS PATE: Yeah.

2 CHAIRMAN DUNCAN: We'll look at that  
3 too. I made a note awhile ago. Somebody mentioned  
4 that. I wanted to -- I don't recall a congressional  
5 map actually coming over. It was just legislature.

6 SENATOR WEST: We had something --

7 MR. RUSS PATE: Because -- as I recall --

8 CHAIRMAN DUNCAN: We'll look at that.

9 MR. RUSS PATE: -- Jones passed them out  
10 out of his committee was -- is to give some basis to  
11 start a new map for 2001.

12 CHAIRMAN DUNCAN: Thank you, Mr. Pate.

13 Are there any other questions for Mr. Pate? Okay.

14 Thank you, Members. Thank you, Mr. Pate.

15 Chair calls Sharon Barbosa Crane. And  
16 after Ms. Crane we'll have Cornell Woolridge.

17 MS. SHARON CRANE: Thank you very much.  
18 I'm Sharon Barbosa Crane.

19 CHAIRMAN DUNCAN: Before you do that,  
20 could I interrupt you.

21 Could our interpreter come forward? And  
22 what I want to know is if -- let her -- ask if there's  
23 anyone in the audience who needs the service of an  
24 interpreter, and if there is none then we can let her  
25 go home anyway. She's been here all day long. That

1 would be all right.

2 SENATOR WEST: No, she's got to stay.

3 INTERPRETER BARO: Ai alguna persona que  
4 quiera hablar ante el jurado en Espanol?

5 SENATOR WEST: Aqui. Aqui.

6 INTERPRETER BARO: I think the  
7 interpreter may be dismissed at this time. I've got to  
8 be in court early tomorrow morning.

9 SENATOR WEST: Oh, no. No, senor.

10 CHAIRMAN DUNCAN: Members, is there any  
11 objection? I would entertain a motion to allow the --

12 SENATOR GALLEGOS: (Indicating.)

13 CHAIRMAN DUNCAN: Senator Gallegos moves  
14 that the interpreter be allowed to be dismissed since  
15 there appears to be no one in the audience who desires  
16 those services. Is there any objection?

17 Without objection, the interpreter will  
18 be dismissed. Thank you for your service today.

19 Thank you for your patience for allowing  
20 us to do that, Ms. Crane. Appreciate it.

21 MS. SHARON CRANE: I'm Sharon Barbosa  
22 Crane, president of the Irving Democratic Club. And I  
23 want to thank you all for your patience and your  
24 willingness to sit here and hear us. I know you all  
25 are very, very tired as are we. I'm so tired I'm going

1 to have to use notes, but we are truly grateful that  
2 you all have shown the patience and the courtesy that  
3 you have. And so Honorable Senators, Members of this  
4 Committee, and Chairman and staff, I'm here to say on  
5 behalf of the Irving Democratic Club, on behalf of my  
6 rather large family, on behalf of my husband who is a  
7 Republican, and myself, that we strongly and  
8 unequivocally oppose the proposal that is before you,  
9 that is to redistrict the Texas congressional districts  
10 by the map that was passed by the House, by another map  
11 to be produced at some other point in time, in any  
12 shape, any form, any fashion at this time.

13 We've heard a lot of things discussed  
14 this evening. We've heard a discussion about the  
15 unfinished business that rests before this legislature.  
16 Business which is critical to the people of Texas, but  
17 which is waiting in line behind this blatantly  
18 unnecessary activity. We've heard a discussion of the  
19 cost of this legislative get-together in the face of  
20 massive deficits. We can remember the discussion  
21 tonight of the unconscionable actions taken in the  
22 regular session, actions that provided us with a  
23 pretense of insurance reform, provided us limited  
24 access to the courts for the average citizen disguised  
25 as tort reform. And a heinous disregard for the well

1 being of our elderly, our disabled, and our children.

2           We've heard discussed this evening the  
3 legal aspects of this situation by those very learned  
4 and intelligent and well-informed attorneys and  
5 professors who give us expert testimony so that all of  
6 us understand that we operate today under a legal  
7 accepted and approved map for our congressional  
8 districts. That -- so that we all understand that  
9 despite what we often hear in the media today, that  
10 reapportionment is based on the census, not on the last  
11 gubernatorial election. That redistricting is based on  
12 population, not on which political party won the most  
13 votes and the most races in the last election.

14           So if the proposed redistricting is not  
15 for practical purposes, nor for legal purposes, then it  
16 must be for political purposes, and some of the baser  
17 ones at that. Many Republicans, unfortunately, have  
18 made it quite clear that the purpose of this  
19 redistricting proposal is not to secure fair  
20 representation for all Texans. It is certainly not to  
21 create more minority representation in Texas as has  
22 been so eloquently described by so many others with  
23 great depth of experience here tonight. It is not to  
24 maintain a balance between rural and urban.  
25 Redistricting is intended simply to remove as many

1 Democrats from public office as possible in the State  
2 of Texas.

3 As Republican advisor Grover Norquist has  
4 stated in recent days to the national media to make  
5 sure that no one ever again thinks it is acceptable to  
6 be a Democrat. Ladies and gentlemen, that is not an  
7 acceptable or appropriate purpose for this legislative  
8 activity.

9 You know, as an elected official I had to  
10 get some guidelines for myself in years past. I had to  
11 determine what I needed to know and what I needed to  
12 use to make decisions on behalf of the people I  
13 represented. I settled on two guidelines. One was  
14 whether the policy being considered promoted  
15 sustainable and sound government. And second, was  
16 whether it helped or it hurt the people I represented.

17 And the final analysis, the  
18 responsibility, your responsibility is to the people of  
19 Texas. I ask that you ask yourselves if this political  
20 exercise serves any aspect of that responsibility.  
21 Thank you.

22 CHAIRMAN DUNCAN: Thank you, Ms. Crane.  
23 Members, any questions? The Chair hears none.

24 The Chair calls Cornell Woolridge. State  
25 your name and who you represent.

1                   MR. CORNELL WOOLRIDGE: My name is  
2 Cornell Woolridge and I am here representing the  
3 Arlington NAACP.

4                   Mr. Chairman, Members of the Committee,  
5 I'd like to thank you very much for this opportunity to  
6 speak. And as I said, on behalf of the Arlington  
7 NAACP, I want to express my strong opposition to your  
8 plan to redraw current congressional districts.

9                   We see this effort as a direct attack on  
10 minority voting strengths throughout the State of Texas  
11 and particularly local minority voters. It is my  
12 understanding that you have the authority to protect  
13 minority voters from this attack by voting no on  
14 redistricting. I am counting on you to do just that.  
15 And I know you've been listening to a lot of people for  
16 a lot of hours. I've been here probably as long, if  
17 not longer than most of you, but don't just listen to  
18 me. Hear this, Republican or Democrat, if you vote yes  
19 on redistricting, you will lose. And I don't just  
20 mean -- (Applause by the audience.) And I don't just  
21 mean votes. I don't just mean your seats. I mean, the  
22 respect and the trust of the people that you're  
23 supposed to be serving, and I think that's most  
24 precious than anything else that you could possibly  
25 lose.

1 Under the current lines, North Texas has  
2 two minority opportunity districts, just two. Those  
3 are Districts 30, represented by Congressman Eddie  
4 Bernice Johnson, and District 24 represented by  
5 Congressman Martin Frost. They are the candidates of  
6 choice for minority voters in their districts. Almost  
7 every map drawn thus far removes both the  
8 African-American voters and Hispanic voters from the  
9 24th District so that neither have an influence in  
10 their district.

11 The bottom line is that we no longer  
12 trust this process. It's not about drawing the line  
13 here or a line there. It's about listening to what  
14 thousands upon thousands of people across this state  
15 have said over and over again. Leave the current map  
16 in place just as it was drawn by the Supreme Court  
17 Justice and used in the last election.

18 Now, here's some ugly truth. Minorities  
19 don't bring out the vote the way we should. And it's a  
20 tragedy, but let me tell you this, the tragedy of  
21 redistricting, I can guarantee you, would right that  
22 wrong very quickly. (Applause by the audience.) There  
23 is no need or requirement for you to redraw any  
24 congressional lines anywhere in the State of Texas.  
25 The current lines fully comply with every provision of

1 the Voting Rights Act. The current districts have been  
2 reviewed and approved by the United States Supreme  
3 Court. Never before in Texas has any legislature  
4 redrawn lines in the middle of a decade, unless ordered  
5 to by the court. Texas is under no such order. The  
6 only reason there is to redraw the lines is to  
7 guarantee the election of more Republicans to Congress.  
8 The only way it could be guaranteed more Republicans in  
9 North Texas is to steal the voting strength of minority  
10 citizens here. To take the growing minority population  
11 of east Arlington and submerge it into a Republican  
12 district is just plain wrong. Make no mistake about  
13 it, more Republicans in Congress from Texas hurts  
14 African-Americans. An examination of the most recent  
15 NAACP voting rating makes this vividly clear. The  
16 average score for Texas congressional Democrats was 82  
17 percent. The average score for Texas congressional  
18 Republicans was about 25 percent.

19                   This redistricting plan has put us at a  
20 fork in the road. One way leads to division, partisan  
21 politics and the unraveling of most precious civil  
22 liberty. The other way leads to hope and a chance at  
23 the promised pursuit of happiness for minorities not  
24 only in North Texas, but all across the State.

25                   Do the right thing now, or we'll do the

1 right thing later. Thank you.

2 CHAIRMAN DUNCAN: Thank you,  
3 Mr. Woolridge.

4 Chair recognizes Karen Eckhardt.

5 MS. KAREN ECKHARDT: My name is Karen  
6 Eckhardt. I am from Fort Worth. Thank you very much  
7 for listening to my comment this evening -- or this  
8 morning, rather. I am here as a concerned citizen and  
9 I feel that this issue is a waste of time, energy, and  
10 money. I am also here as a former professional  
11 educator and I feel that we are cutting programs such  
12 as textbooks, teacher salary increases, teacher health  
13 care, children health care, and early childhood  
14 education, and we are squandering the resources of this  
15 State on this issue.

16 As a county election official, I very  
17 strongly disapprove of redistricting because it will  
18 make it even more confusing for the voters. The last  
19 election that I worked in Precinct 1127 in Tarrant  
20 County, we have over 2,200 registered voters and the  
21 turnout was only 150 people. I think that this would  
22 make it worse.

23 In closing, in all due respect, I'd like  
24 to paraphrase a comment by Thomas Jefferson. Thomas  
25 Jefferson said that you all are our servants and it is

1 not the other way around. Thank you.

2 CHAIRMAN DUNCAN: Thank you, Ms.

3 Eckhardt. Any question?

4 The Chair recognizes Susan Hays.

5 MS. SUSAN HAYS: Thank you. My name is

6 Susan Hays. I'm the Democratic Chair for Dallas

7 County. And to get some housekeeping out of the way, I

8 have 72 letters from folks from around the Dallas area

9 who could not be here tonight.

10 CHAIRMAN DUNCAN: All right. We'll enter

11 those in the record. Thank you very much.

12 MS. SUSAN HAYS: I originally had 74 and

13 I think a couple of them made it since it's been so

14 late, so I pulled those to make sure the record was

15 accurate.

16 First, thank you all for going through

17 this process that is unpleasant at best, but it also is

18 an unnecessary process. You know, as Senator Gallegos

19 pointed out at the beginning of this hearing, this is

20 not the House. And I appreciate y'all going to great

21 lengths to have reasonable hearings around the State

22 conducted in a reasonable manner. That said, you

23 cannot divorce yourself from the tainted process that

24 the House has had as you heard from, I believe,

25 Professor Lichtman more earlier tonight. This is

1 basically, as I was just -- explained it to a couple of  
2 folks who asked me, we're not lawyers, a trial court  
3 record for what is going to end up going on appeal to  
4 the federal courts. The mess the House has made of  
5 this could not be undone no matter how well this senate  
6 carries on the process.

7           In addition, as many people pointed out  
8 tonight, there is no need for this. The Senate has the  
9 power to stop this process. I attended the House  
10 hearing that was held in Dallas a few weeks ago and  
11 was, you know, frankly fearing a war to break up when  
12 the public showed up to testify, and much to my shock  
13 the Republicans weren't there. The voice in favor of  
14 this has not surfaced. There is no public outcry for  
15 redistricting. The grass roots of the Republican Party  
16 apparently doesn't feel compelled enough to show up to  
17 these hearings be they in South Dallas or as I  
18 understand from the press clippings, Lubbock and San  
19 Angelo.

20           Wanted to also -- I'll keep this short  
21 and emphasize again, even though I'm appearing here in  
22 a partisan role as a local Democratic party chair, this  
23 doesn't have to bog down in partisanship. The  
24 legislature is at its best when it leaves partisanship  
25 behind and does what is the best policy and what is

1 best for the people.

2                   You know, our government has a lot of  
3 systems of checks and balances and I think,  
4 particularly this last session, one of the best checks  
5 in the legislature process was the two-thirds rule in  
6 the Senate. You all have the power to stop this.  
7 (Applause by the audience.) It doesn't just have to be  
8 Democrats on that side getting up to 11 to stop this  
9 process. There is no need. It is costing the State a  
10 lot of money. It will cost the State a lot more once  
11 you get into the litigation and the public as a whole  
12 has no desire to see -- to lose the seniority  
13 representation they have in Congress.

14                   Thank you very much and I will move on  
15 out and try to keep this process going.

16                   SENATOR GALLEGOS: (Indicating.)

17                   CHAIRMAN DUNCAN: Senator Gallegos.

18                   SENATOR GALLEGOS: Ms. Hays, real quick.  
19 When you came to this hearing earlier, did you see --  
20 was there a padlock on the door?

21                   MS. SUSAN HAYS: I saw no padlock on the  
22 door.

23                   SENATOR GALLEGOS: Did you see any sign  
24 that said, "Only Democrats allowed."

25                   MS. SUSAN HAYS: I did not.

1                   SENATOR GALLEGOS: So this is an open  
2 process?

3                   MS. SUSAN HAYS: These hearings have been  
4 an open process.

5                   SENATOR GALLEGOS: So that means anybody  
6 could have come in here and testified.

7                   MS. SUSAN HAYS: Correct. Uh-huh.

8                   SENATOR GALLEGOS: Thank you.

9                   MS. SUSAN HAYS: Thank you.

10                  CHAIRMAN DUNCAN: Thank you, Ms. Hays.

11                  Chair calls Velia Lopez. Please state  
12 your name.

13                  MS. VELIA LOPEZ: My name is Velia Lopez.  
14 I live at 2506 Northwest 26th in Fort Worth. I'm here  
15 representing myself. Gee, it's 12:30. That's great.  
16 I'm really happy. I had to wait 16 hours at the last  
17 meeting. And so this is really great for me. Anyway,  
18 I'll make this short. I'm so happy, I'm still awake.  
19 Anyway, I thank you very much for being here. I thank  
20 y'all for your courtesy. Big difference from the  
21 meeting that we had here a couple of weeks ago in  
22 Dallas. But anyway, I'm going to cut it short.

23                  We've all heard about money spent on  
24 attorneys. Best spent on teachers' pay, teachers'  
25 health insurance, children's health, education. I

1 agree with all that. So many things that I had to say  
2 this evening have been said over and over, so I'm going  
3 to kind of rush through them.

4                   Reasons behind all this rush to draw a  
5 new map. Greed, control, misuse of power. Yeah, I  
6 agree with all that. Scratch that off. One thing that  
7 I didn't hear was how the -- it seems as if the  
8 Republicans really want to pay us a favor. They say  
9 minorities are doing us a favor by drawing this new  
10 map, but I don't see how it's a favor when it has  
11 nothing to do with equality. Taking away our civil  
12 right, diminishing, the diluting the Latino vote. So  
13 I'm going to scratch that off. I don't agree with  
14 that. Okay.

15                   There was a lady here earlier -- thank  
16 you. There was a lady here earlier who said that it  
17 had nothing do with race. I wish -- is she still here?  
18 No. Well, I'm sorry she left. Anyway, I don't know  
19 where she's been living, but I'm a Texan, and in this  
20 meeting over and over again I keep hearing these words  
21 that keep coming out such as the minorities, racial  
22 lines, civil right, racial lines, civil rights,  
23 minority over and over. When I hear those words,  
24 myself as a Latino woman, when I hear these words, I'm  
25 thinking race. Now, you know, nobody wants to say it,

1 but that's what I hear. I hear race. So let me  
2 scratch that off since nobody wants to say it. Okay.  
3 Scratch that off.

4                   Okay. Then -- let me see. Go over here.  
5 Let me find my place here. I had to rewrite my notes  
6 so many times. There was a gentleman here earlier that  
7 talked about his grandchildren, how he doesn't want to  
8 see them go through this process and, you know, that  
9 we've gone through in our country trying to move  
10 forward. I agree with that also, so scratch that off.

11                   I have a grandchild too. I don't want to  
12 see him go through this. I don't think anybody here  
13 wants their grandchildren or great grandchildren going  
14 through all this again. We're trying to go forward.  
15 For years our entire country has tried to move forward  
16 seeking equality.

17                   John F. Kennedy, Robert Kennedy,  
18 Dr. Martin Luther King, Thurgood Marshall, Malcolm X,  
19 Cesar Chavez, they all moved our country forward. They  
20 kind of opened our eyes, actually, that we -- they  
21 moved our country forward, they marched for civil  
22 rights, they stood up and spoke out for equality.

23                   When I look at that map, it's not equal.  
24 When you start talking about diminishing the Latino  
25 vote, that's taking away our voice. That's not equal.

1 It makes me angry. It's wrong. I -- encourage you to  
2 please stop this. Just stop it. It's wrong. It's a  
3 waste of our taxpayers' money as well and it makes me  
4 angry.

5 Thank you for your time.

6 CHAIRMAN DUNCAN: Thank you, Ms. Lopez.  
7 Are there any questions?

8 Chair calls Michael Andrew Machicek.

9 MR. MICHAEL MACHICEK: Thank you.

10 CHAIRMAN DUNCAN: I was wondering when  
11 you were going to get up.

12 MR. MICHAEL MACHICEK: Well, as a  
13 recent -- of LCCCCCF, I greet you, Mr. Duncan. I want  
14 to start off with a quote from Thomas Jefferson, and  
15 these are all serious quotes and these are all serious  
16 words. Thomas Jefferson said once before he wrote the  
17 declaration that a little rebellion now and then is a  
18 healthy thing. And as necessary in the political  
19 world, as rainstorms are in the physical world. Now,  
20 what that means is he predicted a revolution every 50  
21 years in this continental entity that they called the  
22 United States of America. He predicted that as one of  
23 the founders of that entity.

24 And so I'm telling y'all, please, don't  
25 push the world into a revolution. The people are -- it

1 was bad enough when this government took the world to  
2 war and hurt people. That was sad. That was bad. It  
3 was -- it was inappropriate. People are being driven  
4 mad by the insanity around them. Please don't continue  
5 that insanity and -- because if a revolution comes, I'm  
6 going to stand up and attempt to lead it in the most  
7 decent direction it can go. Because if someone doesn't  
8 stand up and attempt to take it in a decent direction,  
9 it's going to be destructive and inappropriate.

10                   So I'll just ask y'all, please, try --  
11 try to maintain some decorum and some legality and some  
12 honesty and integrity. But my -- my experience in  
13 Lubbock inspired this, and I'd like to sF  
14 hare it with you. It's kind of a philosophy and I'll  
15 express it in this poetic way. Man's unsighted vision  
16 reveals worlds in collision. Another time and space,  
17 another human race. Crazy, stubborn, hateful men. No  
18 better than one who made them. War, strife,  
19 oppression, all can cease. We can all live in the such  
20 blissful peace. So silence the dogs of war, my friend.  
21 It's time for hurt and pain to end. Do the good and  
22 share the wealth. Love they neighbor and thysself.

23                   And I'd like to tell y'all that -- you  
24 Democratic senators, I would ask you to maintain on the  
25 honest and decent grounds and try to fight this with

1 everything you have, but don't -- please don't stoop to  
2 anything that's low. Please maintain a decent and  
3 honorable demeanor and a decent and honorable behavior.

4 And you Republican senators, I would ask  
5 you not only to go back and to end this special  
6 situation, I would also ask you to tell Mr. Perry that  
7 you not only want to end it, but you regret that it was  
8 ever called. (Applause by the audience.) I think you  
9 people say that this -- this -- this is -- I mean, when  
10 Mr. Lichtman spoke earlier, he expressed it. It's  
11 futile to do this. And so, please, just go back and  
12 tell them, "We won't take part in this and please let's  
13 end this special session and work for the people."  
14 Bless you all. Thank you.

15 CHAIRMAN DUNCAN: Thank you,  
16 Mr. Machicek. Appreciate it very much. Are there any  
17 questions?

18 Chair recognizes Pauline Valencia --  
19 Valenciano. Sorry.

20 UNIDENTIFIED SPEAKER: What number is  
21 that?

22 CHAIRMAN DUNCAN: Number 145.

23 MS. PAULINE VALENCIANO: Pauline Gasca  
24 Valenciano, 216 East, Fort Worth, precinct chair, first  
25 generation born U.S. of Mexican parents. We have six

1 generations, 300 plus in our immediate -- our family  
2 tree.

3 I am here to urge you and beg and plead  
4 that you leave the map as it is. It's bad enough us  
5 getting our younger generation interested in voting  
6 whenever they see this three-ring circus on TV every  
7 day, newspapers, editorials. Everywhere you turn  
8 around, it's there. What kind of message is that  
9 giving our future voters? Let's think about the human  
10 needs. That should be a priority. And not somebody's  
11 greed.

12 Muchas gracias. Dios los bendiga. God  
13 bless you.

14 CHAIRMAN DUNCAN: Thank you,  
15 Ms. Valenciano. Questions?

16 Chair recognizes Kebron Alexander. State  
17 your name and who you represent, please.

18 MR. KEBRON ALEXANDER: Kebron Alexander.  
19 I represent myself. I reside at 911 Glen Stone Lane  
20 here in Dallas.

21 To the Members of this Committee, I'm  
22 afraid that by some strange twist of fate we're dealing  
23 with a situation where the cart is before the horse.  
24 We're dealing with a situation where because the job  
25 that was designated to be done by the legislature that

1 the governor is responsible for, ensuring takes place.  
2 That job didn't take place in a due time, in a timely  
3 fashion. And in not handling its responsibilities, the  
4 leadership of the State of Texas advocated to the  
5 federal judiciary. Basically, y'all didn't do it, so  
6 the courts did. And everybody understood that going  
7 in. But for some reason someone is saying, "I don't  
8 like the result now." Those are legal lines and now  
9 we're seeking -- we're here because someone wants to  
10 address those legal lines after the fact and say,  
11 "Let's change the outcome even though we knew you were  
12 going to draw these lines."

13 I oppose the redistricting that we're  
14 presently discussing because there's a fundamental lack  
15 of fairness. One in that we're only discussing  
16 congressional lines for the U.S. Representatives. If  
17 we're going to do it, let's revisit everybody's lines.

18 There's an absence of a legal standard  
19 for the courts to intervene in a redistricting  
20 discussion in the courts. And that standard has not  
21 been articulated by any state official, any member  
22 here. Nowhere in this state have I heard anything  
23 legally that would justify the courts going back and  
24 revisiting the redistricting issue. And if you listen  
25 real closely, you hear all of the public clamor for

1 redistricting right now. And this is the same public  
2 clamor that existed last year at this time, that  
3 existed in January, that existed March 1st, but somehow  
4 we got here. There is money that is better spent  
5 elsewhere. And a new map does not guarantee new  
6 results.

7                   Thomas P. O'Neill, former speaker of the  
8 U.S. House of Representatives had a very, very germane  
9 saying. "All politics is local." And the outcome of  
10 the congressional district races in Fall of 2002, those  
11 were local decisions. Someone is attempting to change  
12 those decisions to benefit a perception that obviously  
13 the constituents did not share.

14                   My mother has a very, very nice way of  
15 putting things. And once I got my first job and made  
16 my first little money and decided I wanted to go to  
17 spend it, she sat me down and said, "Son, when you're  
18 deciding what you're going to do with this money,  
19 remember, there are wants and there are needs, and you  
20 need to make a very clear distinction about what you're  
21 going to do with this money. Are you going to address  
22 wants or are you going to address needs? Because those  
23 are the basis of your priorities."

24                   In making that point let me articulate  
25 for you where our priorities have been misplaced. We

1 have priorities for homeowners that were not addressed  
2 in the last regular session to school children, to the  
3 elderly, to the insured, the underinsured. School  
4 finance still has not been dealt with. This very  
5 facility, a college and university, the funding for  
6 which has now been unkept and no one can plan for what  
7 their college life will be for four years. They don't  
8 have that regularity. And teachers, once again, we  
9 have to get our priorities right. And to justify going  
10 here on a special session for redistricting when we  
11 have so many needs, so many priorities that have to be  
12 addressed, and this was not one of them, I'm just  
13 asking all of you to get back on the right track and  
14 let's deal with the State of Texas' needs. Thank you.

15 CHAIRMAN DUNCAN: Thank you,  
16 Mr. Alexander. Questions?

17 Mr. Jack Borden. State your name and who  
18 you represent.

19 MR. JACK BORDEN: My name is Jack Borden.  
20 I represent myself, but I also represent my  
21 neighborhood and I live in the Oak Lawn part of Dallas.  
22 I meet every morning at a Starbucks. My neighbors  
23 comes in with their problems, and no matter what  
24 government agency, we try to work them out and make  
25 sure things are done. But tonight I'm here because in

1 the legislative session in the year 2001 the House did  
2 pass a redistricting plan. And under Governor Perry,  
3 he instructed certain members to make sure that it did  
4 not come up in the Senate. He also at that time when  
5 the legislative session was over, he had the  
6 opportunity to call a special session. He -- instead  
7 of calling a special session, he allowed it to go to  
8 the courts. It went all the way to the Supreme Court.  
9 The Supreme Court. I personally don't like that plan.  
10 But it's a heck of a lot better than some of the plans  
11 I've seen lately. I'm willing to abide by the courts.

12                   When the constitution of the United  
13 States was written, there was one little provision in  
14 there. It said the states will redistrict once every  
15 ten years. Now, the State would not do their job.  
16 They gave it to the court. They gave up the right to  
17 do the job by giving it to the court, so it has been  
18 done for these ten years. It does not have to be done  
19 until the next cycle, but one of the things Mr. Perry,  
20 he did -- as I said, he didn't want it done and it  
21 wasn't done. If he would have done his job, we  
22 wouldn't be here today. We wouldn't have the certain  
23 amounts of money that we're going to spend in the  
24 courts. And everybody has been low-balling. It's  
25 going to be at least \$17 million by the time we go

1 through the court system. That money could be used for  
2 CHIPS, it could be used for so many programs that the  
3 people in the State of Texas need. And that is the  
4 main thing that I want to say. I want to stop wasting  
5 our taxpayers' money on this. And you people would  
6 love to be home with your families. You probably  
7 wanted to do things this summer. But there's one  
8 thing -- here -- this is something I wrote today and  
9 it's -- I've never written a piece of poetry in my  
10 life. Here is a dream. It's my dream. I dreamt it.  
11 I dreamt my vote counted, then I was awakened, then I  
12 realized my vote didn't count. Thank you.

13 CHAIRMAN DUNCAN: Thank you, Mr. Borden.  
14 Appreciate it.

15 Chair calls Molly Rooke.

16 MS. MOLLY ROOKE: I'm Molly Rooke and I'm  
17 here from Dallas and I represent myself today.

18 I wanted to point out that this was  
19 publicized in a nonpartisan way and anyone from any  
20 position could come here today and speak, and I think  
21 the number of people who are speaking in opposition to  
22 redistricting says a whole lot.

23 I come here today as a former Republican  
24 outraged and disgusted at the waste of our precious tax  
25 dollars for this special session for redistricting. I

1 would oppose redistricting by any party more often than  
2 the ten-year intervals for readjustments after each new  
3 census. The Texas legislature should spend its efforts  
4 and our money on the pressing needs of our state,  
5 education, health care, environment and public health  
6 protection, and an equitable taxing structure to fund  
7 our needs within a balanced budget. I'm also outraged  
8 that this special session is being used to push through  
9 other legislation which caters to special interest  
10 rather than addressing the real needs of Texans.

11 (Applause by the audience.)

12 There's even a bill taking away citizens'  
13 rights to protect themselves, their families and their  
14 communities from polluters. So while we're distracted  
15 with redistricting, there are some in the legislature  
16 who are trying to pass unpopular bills.

17 Over the last decade I have seen the  
18 Republican party increasingly use bully tactics to  
19 advance their increasingly special interests agenda.  
20 (Applause by the audience.) I discovered that they  
21 often said one thing and did another, including on  
22 fiscal responsibility. I didn't want to be a part of  
23 that and I won't support it with my votes.

24 The eyes of Texas are upon you, the Texas  
25 Senate, especially those who claim to care about wise

1 and efficient use of our tax dollars. We just had to  
2 cut millions of dollars from needed programs in the  
3 State budget to balance it. There is no way that a  
4 true fiscal conservative can vote to waste our tax  
5 dollars on redistricting, including the money that  
6 would be wasted in the inevitable court fight.

7 Texas Senators of both parties, I implore  
8 you, do the right thing for Texas, for fairness, for  
9 the issues about which we all care and for our hard  
10 earned tax dollars. The power is in your hands. Don't  
11 abuse it. Just say no to redistricting. Thank you.  
12 (Applause by the audience.).

13 CHAIRMAN DUNCAN: Thank you, Ms. Rook.  
14 Questions?

15 Chair recognizes Tom Blackwell.

16 MR. TOM BLACKWELL: Thank you. I'm --  
17 I'm Tom Blackwell. I represent myself. I live in  
18 Dallas County in the new 32nd Congressional District.  
19 In the interest of time I've made some notes in  
20 advance.

21 I am against redistricting. First I'm  
22 concerned about the cost of all of this, not just for  
23 the special session, but the additional costs that  
24 citizens have in coming here, and at the previous  
25 hearings in Austin, seeking to have their views

1 considered. I'm concerned about funding of needed fund  
2 government functions being denied by actions of the  
3 appropriations committee or the government veto, yet we  
4 are told that state tax money must be expended for this  
5 special session.

6                   Then there may be additional court costs  
7 that will go on for years and years. I think I heard  
8 Professor John Alford testify before the House  
9 Committee that it could be \$17 million. There may be  
10 some additional costs to local governments where  
11 commissioner's courts are required to draw new precinct  
12 lines and hold all the elections in additional  
13 precincts.

14                   I'm concerned because I do not see any  
15 great dissatisfaction by the public at large with the  
16 existing congressional districts. Yet we are here. It  
17 seems the challenge for those of us who come here to  
18 oppose redistricting is to determine what can be said  
19 that will change the result of the vote of this  
20 committee.

21                   Is there anything at all that any of us  
22 can say that will result in a majority report by this  
23 committee with a decision that the lines should remain  
24 as they are? I will do my best and I'll try not to  
25 repeat what others have said.

1                   I live in District 32 and I support the  
2 existing lines. The people who live in the district  
3 have a common ground. There should not be an attempt  
4 to move people who have a different local economy or  
5 different background or political view into this  
6 district. Those with different views and circumstances  
7 should be in districts with members of Congress that  
8 they can be comfortable with. Those of us in North  
9 Dallas and the Parks Cities have little in common with  
10 Rockwall County. We do have a common ground with  
11 people in Coppell and Addison.

12                   Now we see a number of congressional  
13 districts where the voters have cast ballots for a  
14 governor, U.S. senator, and other statewide offices of  
15 one party and a member of Congress from the other  
16 party. This shows that the people voting there are  
17 thinking carefully about their choices. This means the  
18 Congressional District is in the control of the people  
19 who live there, rather than under the control of some  
20 political party boss in Washington. We have a stronger  
21 state as a result. I believe the State is stronger  
22 where local districts are controlled by the people who  
23 live there. I also see a lot of value in the seniority  
24 of those elected to office. It is likely that until  
25 the next census in 2010, the next regular redistricting

1 2011, there will be periods of time when each political  
2 party will have a majority in the U.S. House. The most  
3 senior members of the party with the majority will  
4 assume the positions of greatest influence. If the  
5 plan that is in the works to remove senior Texas  
6 Democrats and replace them with freshman Republicans is  
7 adopted, then in the years where Democrats have the  
8 majority, senior Democrats will be there. Senior  
9 Democrats will have the influence and control of  
10 legislation, but those senior Democrats won't be from  
11 Texas. The senior Democrats will be people from other  
12 states like New York and Illinois, and California. I  
13 want to keep the Texas seniority status in place. It  
14 is an arrangement that is best for our state.

15                   In a previous redistricting effort,  
16 Democratic Senator Ted Lyon took this rather  
17 nonpartisan stand. The stand he took and the stand I  
18 recommend is to keep district lines that will provide  
19 an opportunity for the incumbents to remain and keep  
20 their status of seniority and influence no matter which  
21 party has the majority in the U.S. House. And it is  
22 also to respect those districts where the people have  
23 voted for candidates of one party for some offices and  
24 the party -- the other party for Congress.

25                   Redistricting now, based on a census

1 taken three years ago would also likely trigger other  
2 straits, to follow and do the same thing in the off  
3 year using old data. I agree with those who oppose  
4 drawing districts and unnecessarily mix urban and rural  
5 areas. I understand the House has passed a plan to  
6 make a Congressional District that runs from Greenville  
7 Avenue and Forest Lane near me in North Dallas, all the  
8 way to Texarkana and the Arkansas state line. That is  
9 not acceptable. It would be very difficult for a  
10 member to represent. Lines like this that mix such  
11 different areas send a message that the real  
12 representation will not go to the people who live in  
13 the neighborhoods within the district, it will go to  
14 political bosses from inside the belt way of Washington  
15 D.C. I'll sum up.

16                   People who live in rural areas want their  
17 members of Congress doing different things than people  
18 who live in urban areas. While we have different  
19 issues before us, those of us who live in the urban  
20 areas respect their rights to have their members of  
21 Congress working on these issues for them. I also have  
22 the concern that with this kind of change in  
23 congressional lines at this time will result in  
24 frequent changes, have the lines every few years. They  
25 should be changed only every ten years; otherwise, we

1 could end up with some people with the same residences  
2 changing congressional districts and congressmen every  
3 few years. And that would ultimately weaken the  
4 effectiveness of the State of Texas and Congress.  
5 People live and die because of decisions made by the  
6 Congress. It's just that important, this is why so  
7 many of us care so deeply about it and have come  
8 forward to make our statements at these hearings. So I  
9 ask for your careful consideration. We should keep the  
10 existing imperfect lines until after the next census.

11 CHAIRMAN DUNCAN: Thank you,  
12 Mr. Blackwell. Any questions?

13 Chair calls Tim Strickley.

14 MR. TIM STRICKLEY: Esteemed Senators and  
15 Representatives, fellow audience, I come to speak to  
16 you on behalf of my -- the Strickley family who's  
17 basically been here since 1795. I represent -- I  
18 represent the underprivileged and a national spokesman.  
19 I seek -- I seek the future professional worker as a --  
20 to associate with. We -- we have a full -- a full  
21 constitutional -- a full constitution and I am a  
22 renaissance man trying to -- trying to get through  
23 graduate school. And I'm totally opposed to the  
24 redistricting plan -- redistricting plan as it stands.  
25 I am in full support of District 24, Bernice Johnson

1 and Martin Frost, District 30, being retained. We  
2 have -- we have Republicans that basically they have  
3 wealth beyond means, ilk, monetary of huge stature, yet  
4 they want to spend our tax dollars. They don't know  
5 how to -- they know how to manage their money, but they  
6 don't know how to -- don't know how to spend our money.  
7 Why is this such? They spend wasteful money left and  
8 right. If you look at their wealth and it's totally  
9 preserved. I'm an accountant. I know how to handle my  
10 money and I know where it's at month end, month out.  
11 They are sworn by the constitution. They are sworn to  
12 handle money, yet they don't know how to handle our  
13 state budget. There is waste there.

14 Tom DeLay is basically a puppet and the  
15 total -- the total -- the total Republican Party and he  
16 basically is just a puppet to the wealthy. Now, as the  
17 redistricting is scheduled the next two -- next two  
18 years, going to lose 11 Democratic senators, to lose 33  
19 senators in 4 years. So this is all -- this is all a  
20 bad scene for the ordinary worker, the ordinary citizen  
21 of Texas. It's not -- it's not good for us. It's  
22 all -- it's all a political play for the wealthy.

23 Now, as it stands, Tom DeLay, Governor  
24 Perry, Lieutenant Dewhurst, comptroller Carol  
25 Strayhorn, they should abide by -- I hear you. They

1 should abide by the census -- the census and do this in  
2 the spring. Now, I -- now, I represent the renaissance  
3 man, I'm going after my masters, and I believe in fair  
4 play. The constitution is not being abided by by the  
5 Republicans, some Democrats, and other party officials,  
6 but as long as I have an opportunity to go to the --  
7 go to the -- Austin or to Washington D.C., I'm going to  
8 do -- I'm going to communicate and represent like Henry  
9 Clay, Daniel Webster, and Hugh Douglas. Great -- great  
10 senators who represented our country and debated the  
11 issue, and I will continue to bring these issues to the  
12 American people. God bless you and thank for our time.

13 CHAIRMAN DUNCAN: Thank you,  
14 Mr. Strickley. Any questions for Mr. Strickley?

15 Chair recognizes Jesse Aguilera.

16 MR. JESSE AGUILERA: Good evening. My  
17 name -- good morning, Senators. My name is Jesse  
18 Aguilera. I represent the American G.I. Forum of the  
19 regional commander for North Texas. For those of y'all  
20 who are not familiar with the American G.I. Forum, it's  
21 a Hispanic veterans organization that was founded --

22 CHAIRMAN DUNCAN: We're pretty -- we're  
23 pretty familiar with the American G.I. Forum.

24 MR. JESSE AGUILERA: I heard some of  
25 y'all may have been. It was founded in 1948 by

1 veterans who fought tyranny then had to come home and  
2 fight for their civil rights. And it seems like we're  
3 still fighting for our civil rights at this time. I'd  
4 like, at this time -- well, before I do that, I'd also  
5 like to say I'm from Fort Worth, Texas.

6 SENATOR GALLEGOS: (Indicating.)

7 MR. JESSE AGUILERA: There you go. Good  
8 to see the cap on. I'm from Fort Worth, a product of  
9 the stockyards and I believe I could also publically  
10 admit that I'm also a Red Raider, but --

11 CHAIRMAN DUNCAN: There you go.

12 MR. JESSE AGUILERA: I would like to read  
13 this -- I would like to read this letter that I wrote  
14 to one of your colleagues recently.

15 "Dear Senator, the State of Texas faces a  
16 difficult moment in its continuously tumultuous  
17 history, and you have the opportunity to provide  
18 positive leadership to a government body heading  
19 towards self-destruction. The continuation of this  
20 unprecedented mid decade redistricting process will  
21 only serve to perpetuate a growing discontent among  
22 disenfranchised Texans against the power brokers that  
23 control the State capitol.

24 A legislature body that is unresponsive  
25 to the most humble of its citizen -- citizenry is

1 losing the opportunity to stir our state toward  
2 greatness. I have had the opportunity to participate  
3 in the redistricting process in the '80s and actually  
4 learned quite a bit from Senator Barrientos at that  
5 time. Also in the '90s and also at this decade. Most  
6 recently I have been part of the Fort Worth Community  
7 of Interest Redistricting Committee. As a citizen I  
8 have worked grass roots efforts that went from days of  
9 crayon maps full of bad math to time saving computer  
10 software with unbelievable accuracy. No matter how  
11 improved the technology, it is still an ugly  
12 contentious process that brings out the worst in  
13 people, especially those who hold strong -- strong to  
14 their ideology.

15                   My redistricting experience has taught me  
16 that voter turnout as argued by some state leaders is  
17 not justification for reconfiguring congressional  
18 districts. It is reapportionment because a  
19 Constitution required census has been taken. My  
20 experience has also taught me that the currently  
21 approved House Committee map so tightly drawn that a  
22 deviation of only one voter for 32 districts reflects  
23 technology -- technological wizardry, but does not  
24 respect the communities of interest as required by the  
25 courts. The fracturing of Fort Worth minority

1 neighborhoods, but retaining the integrity of Arlington  
2 city boundaries demonstrated discrimination of urban  
3 dwellers to benefit white white suburbs.

4 I believe this continuing -- that  
5 continuing further with this ill conceived power grab,  
6 Texas would weaken what was once a movement toward  
7 decency in our great nation. The Voting Rights Act  
8 provides an American -- American with equity in our  
9 Democratic process, but the legislators are moving  
10 toward reversing the gains of the past 40 years. What  
11 is next for Texas? Poll taxes or possibly separate  
12 water fountains? I urge you to oppose this process.  
13 This can only continue to be more contentious and cost  
14 Texans millions of dollars in legal expenses. We have  
15 other real problems to resolve in our state. My fear  
16 is that this leadership is taking us to the point of  
17 being worse than Mississippi in health care, poverty,  
18 and now human rights. Thank you. (Applause by the  
19 audience.)

20 CHAIRMAN DUNCAN: Thank you,  
21 Mr. Aguilera. Questions?

22 Chair recognizes Tom Carlin.

23 MR. TOM CARLIN: My name is Tom Carlin.  
24 I'm a concerned citizen. I'm also a union member of  
25 Transpo Workers Union, I work for American Airlines.

1 We also -- the same union represents Southwest  
2 Airlines, which, Senator, a lot of those people are in  
3 your district.

4 I'm just now going to talk about what  
5 happened in the last three months or so. I'm Irish so  
6 I get confused in a hurry.

7 Before the elections, somewhere around I  
8 guess October everything was great in this state. We  
9 had plenty of money. We had -- we were talking about  
10 giving teachers raises. We had the CHIPS program going  
11 on, and by now if none of you don't know what CHIPS is,  
12 you'd better go back to school, because you ought to  
13 know by now. Enough people have beat you up on it.  
14 Then came the election, and we saw the victory speeches  
15 and we saw everybody holding hands. At that time the  
16 woman's name was Carol Rylander. Not only did she  
17 change her name next week, but we went from a profit to  
18 a debit. (Applause by the audience.)

19 Once again, I'm a little slow. You  
20 fellows are a lot more -- you know, you're a lot more  
21 intelligent than I am, so you can understand how that  
22 happened, but nobody has ever explained it to me.

23 Now let's get to the meat of this thing.  
24 It's early in the morning. We're out of time and I'm  
25 out of patience, so try not to take this as

1 disrespectful, but for you Republican male senators, I  
2 don't even want to talk to you. See, I've been married  
3 for 35 year and I've been watching your facial things  
4 tonight and a lot of you look as when my wife is  
5 telling me I've got to paint the House, cut the grass  
6 while I'm thinking about going fishing that weekend.  
7 I'm listening to her, but I'm not really listening to  
8 her.

9                   So, Ms. Shapiro, I'm going to talk to  
10 you. And I'm not going to talk you as a Senator, I'm  
11 going to talk to you as a woman and a mother. Now,  
12 first of all -- and, ma'am, I don't need a thing from  
13 you, except a vote, but if there were more women  
14 sitting up here, I don't believe we'd be here today.  
15 (Applause by the audience.)

16                   CHAIRMAN DUNCAN: Sound like he's running  
17 for office to me.

18                   SENATOR SHAPIRO: No wonder you've been  
19 married for 35 years.

20                   MR. TOM CARLIN: I tell you what, I'd be  
21 running for the state line if you fellows would tell me  
22 where that was after this meeting. (Applause by the  
23 audience.)

24                   Senator Shapiro, these guys are not going  
25 to listen next week. And please don't get -- be

1 disrespectful on this, but you're going to be down  
2 there next week in Austin, you're going to be telling  
3 some funny damn stories. You're going to be talking  
4 about the guy with the guitar, some of the other people  
5 we saw here today. I think they were all fantastic,  
6 but you're going to be throwing down a couple of cold  
7 ones, and you're going to be laughing about some of the  
8 things that happened here tonight. And there's going  
9 to be other people coming in from Houston and Austin  
10 and Waco and everywhere else and you're going to e  
11 matching stories because you've got this male bonding,  
12 and none of you want to blink. You've already made  
13 your damn promises before you got here. None of us are  
14 going to blink. Not you, ma'am. Young lady, I believe  
15 if you'll get with the rest of them women in that  
16 senate --

17 SENATOR VAN DE PUTTE: Mi hermana.

18 MR. TOM CARLIN: I don't know you, but I  
19 like you already.

20 But, Ms. Shapiro, on a serious note,  
21 we're down \$8 billion. The CHIPS program as we know it  
22 is down the tubes, so let's not sugarcoat it. It's  
23 gone. Those people that had -- the only thing they had  
24 to rely on was the CHIPS program, they have nowhere  
25 else to go. I keep remembering this phrase, you tell

1 me which governor it was. "Leave no child behind."

2 (Applause by the audience.) Leave no child behind.

3 Didn't one of them governors say that one time.

4 SENATOR SHAPIRO: The president.

5 MR. TOM CARLIN: Excuse me. Well, then I

6 guess we have to blame the previous governor for the

7 position we're in today in Texas. Well, they blame

8 Clinton for where we are up there, so I guess we can

9 blame him. But that isn't about -- that's not what

10 it's about. Leave no child behind. And yet, we're

11 sitting up here today deciding on redistricting, where

12 we're going to leave all the children behind. Our

13 legacy, the people in 20 and 30 years that are going to

14 be up there, and you want to leave them behind. You

15 won't have a minority up here unless they're born to

16 the wealthy. Don't tell any little kid in those

17 ghettos, in those barrios that they can be governor or

18 senator. Ma'am, they'll never have a chance because

19 they won't be living because there won't be any

20 medicine for them. God forbid if they get sick. And

21 I'm not talking to you as a Senator. I'm talking to

22 you as a mother. You go down there and straighten

23 these guys out. You get your girlfriends together down

24 there and you straighten them out. (Applause by the

25 audience.)

1                   Please do that. I'll make mine short and  
2   sweet. You think about the children of this state.  
3   When you took that oath of office, do no harm to our  
4   next generation. And, ma'am, I'm pleading with you.  
5   You guys forget about it. You. Thank you. (Applause  
6   by the audience.)

7                   CHAIRMAN DUNCAN: Thank you, Mr. Carlin.  
8   Chair recognizes Rosa Orenstein. Ms. Orenstein.

9                   MS. ROSA ORENSTEIN: Buenos dias. Good  
10   morning. I am here in part to support people like  
11   Ms. Lopez, and I didn't get this lady's name, Ms.  
12   Aguilera, but it's already been said, the Latino  
13   community is the largest expanding population in this  
14   state. If this redistricting process moves forward you  
15   will set us back 15, 20 years. We don't concentrate  
16   ourselves anymore in the barrios. We are scattered  
17   throughout the State.

18                   Now, it's already been said, and I will  
19   make the point, why are we here? The courts have  
20   already decided the issue for us because our  
21   legislature chose not to conduct its business in an  
22   orderly fashion in 2002 after the 2000 redistricting.  
23   The reason given because the judges drew the map.  
24   We're going to be in the same place again four or five  
25   years from now. This fight is not going to go down

1 without a battle. We fought too hard and too long for  
2 our rights to give them up without a fight. We will  
3 fight. (Applause by the audience.) Some people also  
4 choose to forget that the people who were primarily  
5 responsible for drawing the map that went to the courts  
6 was dominated by Republicans. If they didn't like the  
7 results, they need to get the House in order. Not come  
8 get our house in order.

9           The map that I saw last still dilutes  
10 minority voting. It packs us in some instances. It  
11 cracks us in others. It slices us up and it dices us  
12 up. We will have no true opportunity to elect a  
13 candidate of our choice. And I'm looking directly at  
14 you, Mr. Averitt. I'm directing myself at the  
15 Republican members of this committee. I have heard  
16 people say, "Do the right thing. Don't set us back 20  
17 years. Don't set us back 30 years." Let me appeal to  
18 the selfish side of you, because I think that's  
19 generally what works. The Republican Party has made a  
20 tremendous effort in the last few years to attract  
21 Latinos to the party. I've been approached four or  
22 five times. Do you honestly believe that a map of this  
23 sort that sets back the minority community and the  
24 Latino community 15, 20 years is going to be proving to  
25 be good grounds for you to attract Latinos to your

1 party? Please think about it even if it's on the  
2 selfish side of things.

3                   Now, I'm with everybody else who has  
4 already come up here and said, we're out of money.  
5 We've had to cut needed services for our most humble  
6 and vulnerable people in our state. Why are we  
7 spending a million, 2 million, 17 million, whatever the  
8 number is, when we've put our most vulnerable at stake?  
9 We've flushed them down the toilet. And we don't seem  
10 to care. And I want to appeal to those of you who do  
11 care, to focus on that. We have not done anything  
12 about how to educate our children. I'm particularly  
13 concerned about that. Our Latino kids are the greatest  
14 growing population in those schools and we have a 50  
15 percent dropout rate. That does not vote well for the  
16 State whether you are a Republican or Democrat. You  
17 have to solve it. (Applause by the audience.)

18                   Lastly, I am one of those people that  
19 does feel when we have those red ozone alerts, the  
20 orange ozone alerts, and not too long ago we had a  
21 purple alert, and let me tell you, my throat and my  
22 nose felt it. Our lungs are burning. You have to fix  
23 that problem. This is minuscule compared to that.

24                   Please focus on our kid's education and  
25 learning and please do something about keeping our

1 lungs from burning. Thank you very much.

2 CHAIRMAN DUNCAN: Thank you,

3 Ms. Orenstein. Any questions?

4 Chair calls Janet Bridges.

5 MS. JANET BRIDGES: Good morning.

6 CHAIRMAN DUNCAN: Good morning.

7 MS. JANET BRIDGES: I want to say I  
8 really appreciate y'all saying and the consideration  
9 you've given to all the speakers today and this  
10 evening.

11 So to the Chair and Honorable Members of  
12 the Redistricting Committee. For most of the past  
13 century redistricting has been a fairly predictable  
14 process. As it's been stated earlier this evening,  
15 every ten years State Legislature would redraw  
16 congressional lines for the purpose of utilizing new  
17 census data and to create proportionate districts by  
18 population. Well, this process may be crumbling. On  
19 July 1st of this year the New York Times published an  
20 article entitled "Across the United States  
21 Redistricting as a Never Ending Battle." The article  
22 states the tradition of redrawing Congressional lines  
23 every ten years for the purpose of considering census  
24 data may be coming to an end as State Legislatures such  
25 as Colorado, and now Texas, draw new districts whenever

1 they have a partisan advantage. The article states  
2 that New Mexico, Oklahoma, Illinois, and California may  
3 be following suit. As a -- in order to -- what's the  
4 word? I'm so late. In order to get back, you know,  
5 the seats that we lost in Texas.

6 UNIDENTIFIED SPEAKER: Quid pro quo.

7 MS. JANET BRIDGES: Right. Thank you.

8 So this would make redistricting battles  
9 a recurring feature of the political landscape. And  
10 experts say reviewing the 19th century practice of  
11 redrawing political maps every time a legislature  
12 changed hands.

13 So I respectfully ask you to ask yourself  
14 just two questions. Number 1, is this the type of  
15 precedent that the Texas Legislature wants to create  
16 for the entire country in the future? And most  
17 importantly is reviving this process benefitting the  
18 people of Texas? Is it funding schools for children?  
19 Is it creating jobs for our unemployed? Is it caring  
20 for or our elderly? So I urge you to carefully  
21 consider the consequences of your action on this -- on  
22 this issue. Thank you very much.

23 CHAIRMAN DUNCAN: Thank you, Ms. Bridges.

24 Chair calls Amber Anderson. Amber  
25 Anderson.

1 UNIDENTIFIED SPEAKER: What number is  
2 that, by the way?

3 CHAIRMAN DUNCAN: Number 205. We have  
4 about 12 or 13 more people.

5 MS. AMBER ANDERSON: Hello, Senators. I  
6 want to thank you for your time and your patience. I  
7 started to feel a little sorry for you all, and then I  
8 thought, "Why do I feel sorry for you guys? You could  
9 have stopped this. You could have done something to  
10 stop this." (Applause by the audience.) Why should I  
11 feel sorry for y'all? I feel sorry for all these  
12 people sitting in here. Look at all the people who  
13 have already testified who are still here. That's how  
14 much they care about this process.

15 My name is Amber Anderson and I'm an  
16 attorney in Fort Worth, Texas. I was just redistricted  
17 into Martin Frost's 24th Congressional District in  
18 2001. I would like to stay there. I live in a  
19 minority impact district and I want it to stay that  
20 way. I don't want y'all messing with those lines. I  
21 haven't seen the new map that's been passed out of the  
22 House, but I do know before it was cutting me out of  
23 Martin's district again. So in the period of two years  
24 I would go into three different districts.

25 We've already talked about the cost of

1 this and the cost of the special session and the  
2 challenge. When Tom Carlin said he felt like you guys  
3 have already made your promises, and so there was  
4 nothing to be said to y'all, he really touched on  
5 something that is a huge source of frustration for me.  
6 I was at the House hearings last week or two weeks ago.  
7 I sat and watched a lot of the House and Senate debate  
8 during the whole legislative session and it -- you see  
9 so many voters and people who -- people who just feel  
10 like there is nothing they can say to you all. You're  
11 going to do what you want or what Tom DeLay wants or  
12 what Karl Rove wants or what the Republican Party wants  
13 no matter what is good for the State of Texas, or the  
14 people in Texas. And so, you know, I get up here and I  
15 try to think, "Well, What can I say? There is nothing  
16 that I can see that hasn't been said already." So I  
17 will just reemphasize to y'all that this redistricting  
18 can do nothing but violate the Voting Rights Act. We  
19 already have a Supreme Court approved map. Why mess  
20 with it? Why? (Applause by the audience.) I just  
21 don't get it. I'm really tired of politicians who say  
22 one thing and do another, be they Republican or  
23 Democrat. I'm tired of it. I'm tired of politicians  
24 who say they're for children and who spend \$7 million  
25 on redistricting. I'm tired of it. I'm tired of

1 politicians who say they're -- that they're for  
2 education, for health care, for lower taxes, and then  
3 spend \$7 million on redistricting for no reason other  
4 than a blind power grab, because that's the only  
5 justification that has been given for this.

6 UNIDENTIFIED SPEAKER: That's right.

7 MS. AMBER ANDERSON: Like I said, I've  
8 watched a lot of the legislative session and the one --  
9 the one thing that has given me even the smallest,  
10 can't say happiness, can't say hope, I don't know what  
11 I would call it, but is that the Senate has at least  
12 been a deliberative body this session. Under the  
13 leadership of Lieutenant Governor Dewhurst and Senator  
14 Ratliff, you guys have at least had hearings on things  
15 that the House declined to even hear from the public  
16 about and I appreciate that. And I would hope that you  
17 would continue that in your process of deliberating on  
18 redistricting and I would just like to reemphasize that  
19 the Voting Rights Act is one person, one vote. Not one  
20 voter. One vote. 57 percent, 56 percent, whatever it  
21 is Republican, it doesn't matter. That's not the  
22 constitutional basis for redrawing the maps. And so I  
23 would encourage you all to keep that in mind. I  
24 appreciate your time. One person, one vote.

25 CHAIRMAN DUNCAN: Thank you,

1 Ms. Anderson.

2 Members, it's -- we have about 12  
3 witnesses to go and it's been an hour and a half. I do  
4 not want to take a full break, but I would like to take  
5 a 7th inning stretch here so that the court reporter  
6 can have just a few seconds off. Let's just take a  
7 five-minute break so -- we can do. Stay in recess for  
8 five minutes.

9 (Recess for 8 minutes.)

10 CHAIRMAN DUNCAN: Beving, B-e-v-i-n-g,  
11 Rita. Help me with your name. I'm sorry.

12 MS. RITA BEVING: That's right, Senator  
13 Duncan.

14 CHAIRMAN DUNCAN: Perfect, okay. Well,  
15 great. Thank you very much.

16 MS. RITA BEVING: Like you said, my name  
17 is Rita Beving. I'm from Addison. I'm in senator  
18 Shapiro's district and I'm a community advocate who's  
19 worked with folks in Dallas, Ellis, Collin County, and  
20 now East Texas. I'm not a paid staffer. I do it  
21 because I feel helping people is morally right. I also  
22 believe in the public interest in helping other people,  
23 and that's just what you've been elected to do also, is  
24 to serve the public interest. So tonight I'm here to  
25 appeal to your moral compass, to ask you to listen to

1 the voices that came here tonight and are staying here  
2 late with you and to your sense of equity. For Texas  
3 minorities, our rural areas, for those who live in  
4 Dallas and all of Texas.

5 I think this redistricting action is not  
6 only unwarranted by the census, but it's unjust to the  
7 various constituencies we have in Texas. I think it  
8 packs and cracks communities of color and communities  
9 of common interest. Though all of us in this room have  
10 not necessarily seen the map that passed in the House  
11 last evening, I had a chance late in the night to get a  
12 quick glance at the map that has been put out there.  
13 So I want to take a quick trip around Texas. And I'm  
14 going to start with all the new districts. And the  
15 split starts with District 2 because that's in my  
16 backyard, that Kenny Marchant happens to be in and may  
17 also gain by. District 2 would now drive from heavily  
18 populated Dallas right through part of Denton County  
19 and grab six Red River counties to dilute their rural  
20 power. I ask you, how are you going to reconcile  
21 Dallas interest with those in rural Red River counties?

22 District 5 now carves up another rural,  
23 District 1, as it -- as it is currently and drives it  
24 straight to Dallas and dilutes that rural area and lets  
25 Dallas possibly dominate what may happen in those rural

1 areas near Texarkana and those area. District 1 is  
2 further carved up into three parts. One which would be  
3 attached to Longview. Seems we're attaching cities to  
4 rural areas. And District 22 in South Texas,  
5 Galveston's minority voters would now be attached to  
6 DeLay's district destroying their constituency from  
7 having a real voice. District -- the new District 4  
8 would now grab several rural Texas counties and drive  
9 them straight into heavily populated Harris County.  
10 Again, how do you reconcile rural interest with urban  
11 Harris County interests?

12 District 17 is no longer the  
13 predominantly big sky area that we've always known.  
14 It's now going to be attached to Lubbock. And so that  
15 agricultural area's interest will be split.

16 Near Waco, one of the black minority  
17 districts -- black minority areas is carved out and  
18 thrown into another district.

19 The three-county area near Waco, which  
20 has been together as a common interest for over a  
21 hundred years is now shattered. So now we're back to  
22 Dallas. And I know I didn't cover all of them. So  
23 what are we doing? Splitting communities, creating  
24 super majorities, packing and cracking others. If you  
25 look at this, this is not what you call equity for

1 Texans or representing their interest.

2 I want to say to you, you know  
3 overwhelmingly these meetings have been represented by  
4 those against redistricting. And I want to say to you,  
5 one of your colleagues, Phil King, mentioned in the  
6 media that the Democrats have packed these meetings.  
7 Well, I just want to ask you something. Are those --  
8 are the pro districting people illiterate? Can they  
9 not read an address, a time, and a date? Can they not  
10 turn the ignition on in their car and get here? Do  
11 they not have a couple of dollars in their pocket to  
12 take public transportation to be here? I think not. I  
13 think they think it's a done deal or I think they don't  
14 think it's important enough to be here. And I just  
15 want to close in saying, you know, a gentleman said  
16 tonight that the way the map is now is not  
17 gerrymandered, and that's true, because why would so  
18 many Republicans be elected today. So we don't need to  
19 change the maps because Republicans are not getting  
20 denied their elections and their votes and their  
21 offices. Thank you.

22 CHAIRMAN DUNCAN: Thank you, Ms. Beving.  
23 Any questions?

24 Chair recognizes Calvin Adkins. After  
25 Mr. Adkins we'll have Dennis Ferguson. And after

1 Mr. Ferguson we'll have David Bridges -- or David  
2 Griggs.

3 MR. CALVIN ADKINS: I'm Calvin Adkins and  
4 I represent myself. Actually, you know, I've never  
5 seen any of you people before. And I'm sure you've  
6 probably never seen me before. And I think everything  
7 has been said here, so I'm not really going to say  
8 anything, except -- has everyone heard what I said? I  
9 don't want to start over.

10 What I was going to say was something a  
11 gentleman earlier said, to a certain extent, is that I  
12 think that anyone who thinks that the majority of  
13 Texans are in favor of this just haven't been  
14 listening.

15 Now -- and we just had some of that just  
16 a moment ago. So the test now is apparently a week ago  
17 or two weeks ago the House Committee was not listening  
18 based on the amount of testimony that they got. The  
19 test now is have you been listening? And someone  
20 alluded to that a few moments back that you look like  
21 you're listening, but you're really not. And I  
22 particularly really don't care because what I'm going  
23 to do is look for the results in the newspaper and see  
24 if these votes is strictly along party lines. And if  
25 it is, you haven't been listening. So I'm waiting for

1 the vote. And that's all I've got to say.

2 CHAIRMAN DUNCAN: All right. Well, thank  
3 you, Mr. Adkins. Appreciate your testimony.

4 Chair recognizes Dennis Ferguson.

5 MR. DENNIS FERGUSON: My name is Dennis  
6 Ferguson and I'm here representing I guess an ancestor  
7 that's buried at Goliad. Another one that has a name  
8 inscribed at the San Jacinto Monument. I have to  
9 represent myself. I'm in Sam Johnson's district. He's  
10 decided that because I'm a Democrat I don't think like  
11 an American, even though I am a Veteran. All my  
12 relatives have fought. Like everybody says, pretty  
13 much everything has been said and you come here and  
14 you've got all your quivers. I would like to go over  
15 about three additional points. Three points.

16 One is the hearing is unconstitutional.  
17 Under Article 1, Section 2, Clause 3 of the United  
18 States Constitution you do it every ten years. Under  
19 Article 3, Section 28 of the Texas Constitution, you do  
20 it at the first regular session after the publication  
21 of the decennial census. There's one other article and  
22 I won't address it to y'all because y'all don't have a  
23 map right now, but that's Article 3, Section 26, of the  
24 Texas Constitution that basically says that if you have  
25 enough population in a county to have a representative,

1 then that county shall be the district. And it doesn't  
2 say that you're going to divide up the district and go  
3 all the way to Texarkana. And you can even go back to  
4 the constitution of 1836 for the Republic of Texas and  
5 they did the same thing. Now, the one thing I will say  
6 to all of y'all is that being a veteran, having sworn  
7 to defend the constitution, if somebody subverts the  
8 Constitution of the United States in the State of  
9 Texas, to overturn a duly elected and legal government,  
10 then by definition they're enemies of the State. And  
11 that's exactly the way they should be treated. And  
12 politically I think that's the way they will be  
13 treated. Democrat or Republican, anybody that votes  
14 for redistricting will be hunted down and voted out.

15 Now, why are we here at 1:30 at night?  
16 Let's get the record straight on this because there's  
17 been a lot of things said about it. One, Susan  
18 Weddington, chairman of the Texas Republican Party,  
19 blocks Senate Bill 500. I'm sure most of y'all were  
20 there in the 77th legislature. She mud wrestled  
21 Republican Senators down and told them that if they  
22 voted for the bill for the State Senatorial and House  
23 districts, the thing would be trouble in their  
24 primaries and I could understand that.

25 SENATOR SHAPIRO: That's not true.

1 MR. DENNIS FERGUSON: Jeff Wentworth says  
2 it is true, so you may check with him, ma'am, because I  
3 talked to him on the phone on that one.

4 SENATOR SHAPIRO: Well, we all voted for  
5 it.

6 MR. DENNIS FERGUSON: It didn't come out  
7 of committee. There was two or three votes shy.

8 SENATOR SHAPIRO: Oh, you're talking  
9 about his bill?

10 MR. DENNIS FERGUSON: Yes, ma'am.

11 SENATOR SHAPIRO: I'm sorry. I didn't  
12 know which bill you were talking about.

13 MR. DENNIS FERGUSON: Yes, ma'am. I'm  
14 just saying, that's -- that's what I was told.

15 UNIDENTIFIED SPEAKER: She doesn't like  
16 him very much.

17 MR. DENNIS FERGUSON: Okay. Whatever.  
18 Then the government threatened to veto any legislation  
19 that y'all came up with. Then he refused to call a  
20 special session. That's why you did not deal with  
21 anything there, but interestingly enough, almost within  
22 a week of the legislature adjourning, the legislature  
23 redistricting board did draw the lines that y'all now  
24 run on. And that was four Republican and one Democrat.  
25 Now, you talk about pack and crack, there you go. You

1 take an equally divided Senate and House of  
2 Representatives and then you put it over to where  
3 you've got an 80/20 split, plus the legislative  
4 redistricting board, all they need is three signatures  
5 to act. There was no going to Ardmore then. We were  
6 drawn and --

7 UNIDENTIFIED SPEAKER: That's what the  
8 Constitution says.

9 MR. DENNIS FERGUSON: Okay. One other  
10 thing -- oh, and by the way those districts that  
11 we're -- the congressional districts, the ones that  
12 we're using now, the ones that John Cornyn, attorney  
13 general of the State of Texas, paid \$250,000 to  
14 Mr. Alford Johnson, Dr. Johnson. According to the  
15 Republican -- let's see here -- according to the  
16 National Republican Committee redistricting round-up,  
17 and I quote, "Texas, two new seats. Awarded to the  
18 state because of population growth are seen as easy  
19 wins for the Republicans. Republican analyst also  
20 agree that districts sell by three demonstration. Chet  
21 Edwards, Ralph Hall, and Charles Stenholm have more  
22 Republican votes. I will point out to you, first of  
23 all, all due respect to Mr. Hall, he votes with the  
24 Republicans more than he does the Democrats. Second of  
25 all, Chet Edwards --

1                   CHAIRMAN DUNCAN: Mr. Ferguson, your time  
2 has expired, but go head and wrap up, if you could.

3                   MR. DENNIS FERGUSON: Second of all, Chet  
4 Edwards and Charles Holmes, both of them in the last  
5 election one by less than 7,000 votes. So we're here  
6 for 14,000 votes.

7                   CHAIRMAN DUNCAN: Thank you,  
8 Mr. Ferguson. Members, are there any questions? You  
9 want to submit that for the record, sir. Okay. Thank  
10 you sir.

11                   Chair calls David Briggs -- or Griggs.

12                   MR. DAVID GRIGGS: Good morning,  
13 Mr. Chairman, and Members of the Committee. My name is  
14 David Griggs. I live in Addison and Shapiro is my  
15 state senator. I represent myself this morning. I'm  
16 an attorney by profession, but one of my many  
17 professional and volunteer service positions is that I  
18 serve as a -- an adjunct instructor of American  
19 Government at Brookhaven College and I'm really  
20 struggling to try to figure out how to explain what's  
21 going on to my students. They're perplexed by it as  
22 many of us are. I have serious concerns about what the  
23 House has done in this ill advised special session that  
24 the governor has called. And I'm here this morning to  
25 register my opposition to any changes in the current

1 congressional map.

2                   Now, obviously much of what I wanted to  
3 say has already been said and said very well by many of  
4 those who are here tonight and this morning. But I do  
5 want to summarize briefly in four points some points  
6 that I would like to make.

7                   First of all, number 1, redistricting has  
8 already been done. It's a done deal. The fact is that  
9 the process carried itself out in the last legislature,  
10 as you all know. And in a strategic move, apparently,  
11 the Republicans thought they would take their chances  
12 in the courts and they gambled that the Republican  
13 judges would award them advantages in the various seats  
14 and they actually did, but some of these seats were not  
15 won by Republicans. The judges actually came up with a  
16 fair plan, which incidentally as the last speaker  
17 mentioned, added two new districts. Two new  
18 congressional districts drawn for and won by  
19 Republicans. But apparently that wasn't enough for Tom  
20 DeLay and for Karl Rove.

21                   Point number 2. The official 2001  
22 redistricting plan was in fact approved and an election  
23 was held, as we all know, approved by the justice  
24 department and by the Supreme Court. The same Supreme  
25 Court, I might remind you, that gave the presidency to

1 George Bush. But we don't see a whole lot of  
2 challenges to that decision.

3 Point number 3, it's unfair to undo the  
4 plan. It's already been mentioned several times that  
5 Governor Perry had the opportunity to have a special  
6 session in 2001, but chose not to do so prior to the  
7 2002 election.

8 And now, smelling blood at the insistence  
9 of Tom DeLay and Karl Rove, the Republican leadership  
10 has been pressured to engage in this egregious power  
11 grab deliberately targeting incumbents of the minority  
12 party just because they can. Well, it's my personal  
13 belief that this is nothing more than an unfair, an  
14 unconstitutional attempt to grab more power only  
15 because some Republicans, not all, think that they have  
16 some kind of a right or mandate to do so. I think it's  
17 politics at its worst and it's grossly unfair. And  
18 it's a terrible precedent to set for Texas and for my  
19 students who are learning about Texas politics.

20 Point 4. The plan won't hold up in the  
21 courts if the current map is undone. And the cost of  
22 the litigation that would be generated by the long  
23 legal fight would be excessive and wasteful.

24 That's basically my four points. Now,  
25 the biggest point of it is none of this is necessary.

1 You don't have to mess with it. You don't have to bow  
2 to the pressure from Washington. And now I'll end with  
3 a brief analogy of a scenario in Congress a few years  
4 ago. I think it was '95, '96. You may remember this.  
5 Newt Gingrich was speaker and Bob Dole was the Senate  
6 Majority Leader. The issue was regarding the repeal of  
7 the assault weapons ban, a position strongly advocated  
8 by the NRA, which had played a big part in the takeover  
9 of the Congress by the Republicans in '94. A majority  
10 of the members of the House, mostly out of a sense of  
11 obligation to the NRA, voted to repeal the ban. But  
12 Bob Dole in a true act of statesmanship used his power  
13 as majority leader to stop the effort to repeal the ban  
14 in the Senate, even though some very influential  
15 conservative members of his own party strongly  
16 supported it. But the token favor had already been  
17 delivered in the House. And as trustees of the nation,  
18 the Republican controlled Senate read the tea leaves,  
19 knew the people didn't want it and they stopped it from  
20 coming up.

21                   Senator Duncan, you and your colleagues  
22 on this committee and your colleagues in the Senate can  
23 also be statesmen and stateswomen as well. The Texas  
24 House has already done the favor, and you all can stay  
25 above the fray. Don't let yourselves be manipulated by

1 the right wing Washington power elite. Stop this  
2 unnecessary wasteful process now. Don't let Washington  
3 and Tom DeLay mess with Texas. Thank you.

4 CHAIRMAN DUNCAN: Thank you, Mr. Griggs.  
5 Members, are there any questions?

6 Chair recognizes Russell Langley. And  
7 after Mr. Langley we'll have Deborah Smith.

8 MR. RUSSELL LANGLEY: Chairman, Members  
9 of the Committee, my name is Russell Langley and I'm  
10 here tonight representing myself, but I would like the  
11 committee to know that I am an attorney and I'm  
12 currently employed by the Dallas County Democrat Party.  
13 I actually signed up to testify late today because I  
14 heard a lot of the members in the committee early on in  
15 the day talk about having a hearing that was above the  
16 fray in a process that was respectful to people's  
17 views. And I want to thank all of you for being --  
18 having an orderly hearing today and listening to what  
19 people are saying, but what I would like to say is that  
20 being respectful of people's views means more than  
21 simply listening politely to things that you really may  
22 not want to hear. I think it's important to have a  
23 process that has integrity in it and that the people  
24 participating in that process know that their views --  
25 or even if you don't agree with them, are going to be

1 regarded under -- the process has integrity. And think  
2 that's what's really at stake here. You've seen today  
3 and across this state that thousands of people have  
4 testified against this redistricting process. And  
5 you've seen overwhelming public support and sentiment  
6 against this. And it's been clear. They have not said  
7 don't do -- excuse me. Don't draw this line, draw this  
8 line here. And they've all said, "Don't do this at  
9 all."

10 Now, in the media for the last few days  
11 there's been a lot of speculation about who's going to  
12 vote on the two-thirds rule in the Senate. And there's  
13 been a lot of speculation on the undecided members.  
14 Three Democrats, Senators Lucio, Madden, and  
15 Armbrister, and one Republican, Senator Ratliff, have  
16 all gone down in the media as undecided. Every other  
17 Democrat has said they're going to vote against  
18 suspending the two-thirds rules. None of the other  
19 Republicans, with the exception of Senator Ratliff, and  
20 none of the Republicans on this committee have come out  
21 and said that they are going to vote to uphold the  
22 two-thirds rule. That's an important rule of your  
23 chamber. It's a rule of -- routed in precedent, it's a  
24 rule that has served actually the minority when  
25 Republicans were in the minority for a long time. And

1 by saying that you're not going to uphold that  
2 two-thirds rule, you've implicitly let the genie out of  
3 the bottle.

4 CHAIRMAN DUNCAN: Let me stop you right  
5 there, Russell, because the Senate has already voted to  
6 put in place the blocker bill and the two-thirds rule.  
7 So its already in place.

8 MR. RUSSELL LANGLEY: So that bill is in  
9 place then.

10 CHAIRMAN DUNCAN: Right.

11 MR. RUSSELL LANGLEY: Okay.

12 CHAIRMAN DUNCAN: That was the very first  
13 thing we did and --

14 MR. RUSSELL LANGLEY: With that -- with  
15 that being the case, then I want to thank the Committee  
16 because if that's the case, then you are upholding the  
17 tradition of your chamber and I apologize for not being  
18 informed on that. So thank you then for doing that. I  
19 think that's a wonderful thing and it upholds the  
20 traditions of your body and indeed the tone you've set  
21 here today in listening to everyone and taking their  
22 views into account. So thank you for doing that and  
23 thank you for hearing what people said. And even if  
24 you disagree with their views, I will hope that you  
25 will take what they've said into consideration because

1 people feel very passionately about this. (Applause by  
2 the audience.)

3 CHAIRMAN DUNCAN: Thank you, Mr. Langley.  
4 Any questions? Appreciate your testimony.

5 Chair recognizes -- and thank you for  
6 allowing us to straighten that up.

7 The Chair recognizes Deborah Angel Smith.

8 MS. DEBORAH SMITH: Thank you. My name  
9 is Deborah Angel Smith. I am the Democratic Party  
10 chair for Collin County and Senator Shapiro represents  
11 the district in which I reside and as well as many of  
12 my members. Also wanted to mention that I remember  
13 Chairman Duncan, as well as Senators Gallegos and West  
14 from a period of time when I was executive officer for  
15 the home owners association, which I mention just to  
16 point out that as a liberal Democratic female, I can  
17 see both sides of issue. Since I was representing a  
18 predominantly male Republican conservative  
19 organization. And in that spirit I wanted to commend  
20 all the senators, but most particularly Chairman Duncan  
21 for running a fair hearing and listening to everyone as  
22 well as -- and I think he deserves a round of applause.  
23 (Applause by the audience.) I especially think -- I  
24 think Chairman Duncan particularly deserves a round of  
25 applause for his valiant efforts to pronounce all of

1 our names.

2 CHAIRMAN DUNCAN: I've got a good coach  
3 over here on my right.

4 MS. DEBORAH SMITH: And I've also worked  
5 in radio, so I'll just read this really fast. I don't  
6 think I can edit as fast as the young lady who spoke  
7 earlier.

8 As the county chairman of the Democratic  
9 Party of Collin County, I speak not only for myself,  
10 but on behalf of more than 30,000 voters who voted for  
11 Democratic candidates in the 2002 elections. Just over  
12 130,000 Collin County residents voted in the 2002  
13 elections. And I might mention that 27 percent of the  
14 citizens as listed in the census. Simple math tells us  
15 that roughly 23 percent of those who voted preferred  
16 Democratic candidates. By any measure, that makes us  
17 the minority. I know that. We all know that. And we  
18 all know that the majority rules, but only some of us  
19 seem to remember that one of the key principles that  
20 made this country great -- for those of you who seem to  
21 have forgotten, I'll quote one of your late presidents,  
22 Republican William Howard Taft, who said that the  
23 concept of popular government rests in the knowledge of  
24 the majority, that the rights of the minority and in  
25 the individuals of that minority are exactly as sacred

1 as the rights in the individuals of the majority.

2 (Applause by the audience.)

3                   This insidious effort is all about  
4 majority rule without regard for minority rights,  
5 without regard for the 50,000 Hispanics, without regard  
6 for the 34,000 Asians, 23,000 African-American, and  
7 especially without regard for the 50,000 people who  
8 live in the rural areas of my county. And thousands  
9 more in adjoining Hunt County who in the last map that  
10 I saw would be joined together with Collin County in  
11 one district.

12                   The white suburban Republican majority  
13 wants to lump us all together with the white suburban  
14 Republican to represent us. If and when redistricting  
15 occurs, and I hope that will be in eight years, Collin  
16 County, a county with almost a half a million people  
17 and a tremendous growth rate, should have more than one  
18 Congress person to represent our different communities  
19 of interest. Tom DeLay and the Republicans in  
20 Washington seem to think they're entitled to a certain  
21 percentage of the representatives from Texas. If  
22 that's the case, and I don't think it is, but if that's  
23 the case, following that logic, then obviously the  
24 Democrats would reserve at least a 23 percent  
25 representation of the representatives from Collin

1 County. I don't want to 23 percent of Sam Johnson. I  
2 quite frankly shudder to -- just shudder to think what  
3 portion of Sam Johnson we would be assigned.

4                   Sorry. This purely partisan power play  
5 to redistrict for political gain and political gain  
6 alone is wrong. Voting Rights Act is not about  
7 apportionment on the basis of political party. It's  
8 supposed to be, as I recall from hearing the professors  
9 earlier, it's supposed to be about the census and one  
10 person, one vote.

11                   In closing, I'll quote another late great  
12 president, a Democrat, President Lyndon Banes Johnson  
13 who said, "As the House is designed to provide a  
14 reflection of the mood of the moment, the Senate is  
15 meant to reflect the continuity of the past to preserve  
16 the delegate balance of justice between the minority --  
17 between the majorities' whims and the minorities  
18 rights."

19                   I'm counting on the Senate to recognize  
20 that redistricting is wrong. Thank you.

21                   CHAIRMAN DUNCAN: Thank you, Debra.  
22 Appreciate it very much.

23                   MS. DEBORAH SMITH: And I do have  
24 several statements from my members that were not able  
25 to be here today.

1                   CHAIRMAN DUNCAN: We'll enter that into  
2 the record. Thank you.

3                   Chair recognizes Rick Stadt.

4                   MR. RICK STADT: My name is Rick Stadt  
5 from Collin County. Honorable Chair, Members. I come  
6 here tonight because I'm wanting to know when the Texas  
7 Legislature, both House and Senate, are going to quit  
8 basically bowing to the whims of Washington. We've  
9 done it in the past years with different bills where  
10 when the people in Washington have said if you don't  
11 pass this bill, you'll lose highway funding. You don't  
12 pass another bill, you lose other funding.

13                   The most recent one was the blood alcohol  
14 content bill that was passed that -- the actual first  
15 few lines of the bill says that it is -- it was done  
16 because we would lose highway funding.

17                   Some of the -- some the other things I  
18 wanted to point out is that, you know, we went through  
19 some redistricting in Collin County. And Jerry  
20 Madden, who is my House Representative who I have much  
21 esteem for, I lost him as a representative. And the  
22 man that I got now is -- went -- just went through his  
23 freshman year. He was definitely in a learning curve.  
24 I'm sure a lot of you can understand your freshman  
25 year. And frankly wasn't a whole lot of help. I -- I

1 work with Sputnik and the Texas Motorcycle Riders  
2 Association, which I'm sure y'all are familiar with and  
3 have dealt with good, bad or indifferent. And it's  
4 just that I ended up having to go back to Mr. Madden  
5 for a lot of the help and information I needed. And I  
6 know that -- and when we'd start training new people  
7 and talking to people about dealing with the House and  
8 the Senate, that one of the things we tell them, that  
9 you members know that in a normal session, if you hear  
10 from five or ten people or five or ten of your  
11 constituents, you tend to sit up and take notice  
12 because normally you don't hear from a lot of them. A  
13 lot of times on a lot of -- a lot of bills and stuff  
14 you don't hear from anybody. And you have to go on  
15 what you know and what you can find out.

16                   So the more people you hear from from  
17 your constituency, the more people, then the more you  
18 sit up and take notes. And say, okay, well, this may  
19 be something a little bit more important than something  
20 else. Tonight and through the -- through this whole  
21 process you'll hear from a lot of people. Some may not  
22 be your constituents, a lot of them may be. But I  
23 would hope that you would sit up and take notice  
24 because from what I've been hearing in both the House  
25 hearings and now the Senate hearings, the vast majority

1 is against this redistricting at all. I don't think  
2 it's right. I don't think we need to carry on with it.  
3 And that's about all I have to say. I thank you much.

4 CHAIRMAN DUNCAN: Thank you, Mr. Stadt.  
5 Appreciate your testimony. Any questions? Thank you.

6 Chair calls Jean Ball.

7 MS. JEAN BALL: Good morning. I can tell  
8 the age of the assemblage up there that I'm looking at  
9 because those of us who are -- I mentioned it to  
10 Senator Shapiro. Those of us who are more tenured than  
11 others have a lot more stamina. We're still awake.  
12 We're still cogent. I'm looking to -- I'm looking at  
13 some really young eyes.

14 CHAIRMAN DUNCAN: Jean, would you state  
15 your name for the record.

16 MS. JEAN BALL: I'm Jean Ball. I'm  
17 sorry.

18 CHAIRMAN DUNCAN: Thank you.

19 MS. JEAN BALL: Jean Ball. I live at  
20 4840 Worth Street in Dallas, Texas. And I'm here to  
21 say something that I don't think has been said before,  
22 believe it or not tonight. It's a history lesson to  
23 some degree and it has to do with the winner take all  
24 mentality. In the Democrat party, I am a Democrat, we  
25 used to have something called unit rule. I think some

1 of you Republicans still have that. It's ugly.  
2 Because what it does do is not recognize the rights of  
3 the minority. We have a Constitution and then our  
4 founding fathers saw the wisdom of we needed a Bill of  
5 Rights. Why did we need the Bill of Rights? Because  
6 at any moment the thing that is morale and correct can  
7 be overrun by a sheer power hungry majority. That's  
8 why we have the Bill of Rights. (Applause by the  
9 audience.) What we have here is -- I'm not outraged or  
10 even very surprised, sadly enough. I should be, but  
11 I'm not, because I do understand that temptation to  
12 winner take all, but we have a better party since we  
13 got rid of our unit rule and you would probably have a  
14 better party if you got rid of yours. People would be  
15 more respectful of each other. It would not be a  
16 radical group can take over your entire party. So, you  
17 know, I'm just saying to you, consider the fact that we  
18 have in this country a long heritage of respect and  
19 adherence to at least the opinions and ideas of people.  
20 This is nothing but a blatant power play and it's so  
21 short lived. Even if you win this, even if it happens,  
22 you're not going to keep this very long and I think  
23 that's part of what the desperation is. You already  
24 know that. So do the right thing anyway, you know.  
25 Tom DeLay doesn't need this.

1                   By the way, in the -- I do want to say  
2 something. I really hate the redistricting map that we  
3 currently have, the one that passed the muster. I  
4 mean, you know, Eddie Bernice Johnson was my  
5 representative. Now I've got Pete Sessions. How happy  
6 can I be with that? But you know what, it went through  
7 the process. It -- you know, I'm sorry that we have to  
8 have the court thing all the time because, you know, we  
9 can't seem to handle it any other way, but it went  
10 through the courts, went through process, went through  
11 the Supreme Court. They said it's okay. I was happy.  
12 You know, I'm not happy, but okay, fine. Because in  
13 eight years we'll have another opportunity. Well, I  
14 don't have eight years now. I -- I just feel like, you  
15 know, the Republicans have already had their way with  
16 me. And I feel kind of like an abused person waiting  
17 for the next blow.

18                   So please, please. Thank you very much  
19 for your attention. This has been a really different  
20 way from what it was two weeks ago. We all appreciate  
21 that. And I do appreciate the feeling that maybe we  
22 have a chance. Please stop it. Thank you.

23                   CHAIRMAN DUNCAN: Thank you, Ms. Ball.  
24 Appreciate your testimony.

25                   Chair recognizes David Stone --

1 MR. DAVID STOW: Stow.

2 CHAIRMAN DUNCAN: Stow. I'm sorry.

3 That's correct. David Stow.

4 MR. DAVID STOW: Glad to be here. Y'all  
5 seem like fine people, and unlike some Republicans  
6 recently I'd like to say that I respect you all as  
7 Americans.

8 In fact, once upon a time I started a  
9 little Wayne's World Gone Serious show on public access  
10 TV and I know some of you Republicans who remember  
11 Steve Hollern, former county chair of the Republican  
12 Party, one of the greatest men whoever lived. I don't  
13 agree with his politics, but that's one of the finest  
14 Americans whoever lived. He worked with Evelyn Palmer.  
15 We also had a representative from the Libertarian  
16 Party. And as the new deal got started we let the --  
17 let them in too, you know. I don't even want to  
18 mention that fellow, but Ross Perots folks, but we gave  
19 them equal time. And I had people within my own party  
20 that were trying to say, no, you -- you take all this  
21 show just for us. And I says, you know, if you're  
22 thinking people, you don't have to be afraid of fair  
23 play, if you're thinking.

24 UNIDENTIFIED SPEAKER: Right on. Right  
25 on.

1                   MR. DAVID STOW: I told them, I said if  
2 you -- if -- when the elections came and I said we'll  
3 have people representing people in the districts  
4 that -- that this cable show goes out to, and for the  
5 statewide, and those that we invite who don't come and  
6 their parties don't send someone to represent them, we  
7 will still let the other have their voice if they have  
8 to talk to an empty chair, and that includes Democrats.

9                   I'm for thinking. This last --  
10 everything that's been said here tonight makes very  
11 plain that this -- this object that the Republicans  
12 have in mind at the moment is not a thoughtful kind of  
13 thing. I'm not a -- I'm not a far left kind of fellow.  
14 I believe in pockets well, old gasp. I have a lot of  
15 things that I find in common now and then when I talk  
16 to Republicans and their concerns. Also, with good  
17 conservative Democrats. But I am for thinking and I've  
18 seen a very serious trend going on here, very seriously  
19 bad trend, in which when your leadership -- and I say  
20 this because I don't want Texas shamed by following bad  
21 leadership, whether Republicans or Democrats, but we  
22 have a president who when his own scientist came up  
23 with findings on global warming that did not suit him,  
24 turned to his friends in the oil companies to give  
25 their biased research. I ask you how traditional was

1 that, to turn against objectivity. How American was  
2 that? (Applause by the audience.) That seems -- that  
3 seems to be a trend that I see here tonight with this  
4 crazy redistricting scheme. A grab for power at the  
5 cost of tradition and the cost of common sense. The  
6 same thing occurred when they handled money, driving  
7 the deficit out the roof. One of your own folks quit  
8 the party, became an independent and now speaks against  
9 you because of that. When will you open your eyes?

10                   Those are just two of the things.  
11 Recently when the courts spoke, talking about not  
12 following tradition, and -- and y'all were always  
13 saying how wonderful it is to follow tradition. I hear  
14 that you want to rewrite or add an amendment to the  
15 Constitution to overturn what your justice has said,  
16 one of your own justices had to say in the last  
17 decisions. I find that kind of strange too.

18                   I think it's time for fairness. I think  
19 it's time for us to think. In fact, the name of that  
20 shows was "Let's think." And that's what we endeavor  
21 to do. And I hope when you go back you -- I know  
22 you're not very interested in a lot of what we've got  
23 to say here, but I hope when you go back, the one thing  
24 that you will do is think. And remember, as Americans  
25 for a long time we've understood the need to listen to

1 minorities because that one fellow who fell down the  
2 road fell down the hillside in the marsh, might be the  
3 fellow who sees the -- sees the cliff that the rest of  
4 us are about to walk over, because he's in the ditch  
5 and has a new perspective. As Americans we know that  
6 minorities count. Don't make them not count. Don't  
7 take that unAmerican trend. I'm finished. (Applause by  
8 the audience.)

9                   CHAIRMAN DUNCAN: Thank you, Mr. Stow.  
10 I will note that whenever we travel around the state,  
11 we -- one of the things that you see in the different  
12 cultures in different areas of the state are people's  
13 hats, and you're the only cowboy hat. When we were in  
14 San Angelo, if you didn't have on a cowboy hat, you  
15 just weren't -- you weren't in with the crowd.

16                   MR. DAVID STOW: Let's face it. It's  
17 kind of like Bush's cowboy hat. This is just an  
18 affectation.

19                   CHAIRMAN DUNCAN: All right. Well,  
20 you're welcome in San Angelo for sure.

21                   MR. DAVID STOW: It was made in Mexico.

22                   CHAIRMAN DUNCAN: Just take the tag.  
23 The Chair calls Larry Phillips.

24                   MR. LARRY PHILLIPS: Larry Phillips from  
25 De Soto, Texas. I live about two miles south of here.

1 Welcome to Royce West University. Thanks for coming.  
2 And thanks to the rest of you that voted for the  
3 funding for the university. We appreciate that.  
4 (Applause by the audience.)

5                   Let me just tell you, we're talking about  
6 presidents and what's happened in the past, in 1992  
7 there were two special sessions for redistricting that  
8 created the district that you're sitting in tonight,  
9 the 30th Congressional District, which is in your -- is  
10 the history professor still here? But it was in a lot  
11 of history textbooks as the most gerrymandered  
12 political Congressional District in the United States  
13 and -- until the court intervened in '96, but you're  
14 sitting in there tonight. So welcome to the 30th  
15 Congressional District.

16                   I do support the redistricting efforts  
17 that have gone forth and I've been out of town for a  
18 couple of weeks, so I just kind of found out about this  
19 by accident watching the news tonight, I saw the  
20 Senator on TV at 9:00 o'clock this evening. So I've  
21 only been here for about five and a half hours. So I  
22 applaud all of y'all for hanging tough and being the  
23 loyal opposition it appears. I would just like to  
24 encourage -- I hear a lot of people talking about how  
25 minorities feel like they're suppressed and oppressed

1 by the Republicans Party. And it's really incredible  
2 to me to see a party, the Democrat Party that's rural  
3 Texas for 130 years, that has never nominated an  
4 African-American to run for senate until now. The  
5 previous 130 years, if an African-American would have  
6 been nominated from your caucuses or your primary  
7 system, they would have been elected as a senator in  
8 the State of Texas. It never did happen.

9           Are y'all aware that there were three  
10 African-American Americans elected to statewide office.  
11 First time that's ever happened. And the Republican  
12 have only been in some status of control, which is very  
13 limited, as you can tell, for about ten years. But we  
14 have two Supreme Court justices that never occurred  
15 under Republican one party rule in the State of Texas.  
16 And Michael -- Chairman Michael Williams of the  
17 railroad commission, the first African-American  
18 executive chairman of any committee in the State of  
19 Texas.

20           So anyway, you also talked about the  
21 poor -- the Democrats and the rich Republicans. I hear  
22 that repeated from time to time. And you might check  
23 the Wall Street Journal now, I guess it is, there's  
24 going to be an article in there about the fact that 94  
25 percent of contribution by individuals over \$1 million

1 were made to Democrats in the United States. Six  
2 percent to Republicans. The Democratic National  
3 Committee, the average contribution, the Democratic  
4 National Committee is \$600. The average contribution  
5 of the Republican National Committee is 90 bucks.  
6 That's those rich Republicans that you know about. And  
7 anyway, so if you're interested in finding a different  
8 perspective on it, you might check Wall Builders, Wall  
9 Builders.com. It will tell you a little bit more about  
10 minorities and how they've been -- receive very little  
11 bit -- very little benefit of their support of the  
12 Democratic Party. And I encourage you to check to Wall  
13 Builders.com. It has some interesting archives on  
14 that.

15 So I would encourage, as the last  
16 speaker, to ask you folks to stop DeLay and do your  
17 duty and draw fair lines and let's get the  
18 redistricting that is mandated and was your job two  
19 years ago and is your job now. And good night.

20 CHAIRMAN DUNCAN: Thank you,  
21 Mr. Phillips. Any questions for Mr. Phillips?  
22 Appreciate your presence here tonight.

23 UNIDENTIFIED SPEAKER: Sir, I have a  
24 question for him.

25 CHAIRMAN DUNCAN: Well, I don't think

1 that's the way it works. Thank you.

2 Chris Fisher. Mr. Fisher, would you  
3 please state your name and who you represent?

4 MR. CHRIS FISHER: I'm Chris Fisher and  
5 I'm representing myself. I'm up in Salina, Texas under  
6 Hall who is going to be ousted as of the House plan  
7 that passed. And I mean, I'm young, I'm liberal, and  
8 I'm angry at this. And I really don't like Hall  
9 because he votes Republican all the time, pretty much.  
10 But -- I forgot where I was going with that. That's  
11 okay.

12 So if he's going to vote with the  
13 Republicans, why are we getting rid of him? Oh, Tom  
14 DeLay said it best in the New York Times, I think.  
15 "I'm House Majority Leader and I want more seats."  
16 That's a quote from the New York Times, actually. But,  
17 I mean, you've heard the liberals, so -- I don't know  
18 if you've had a young perspective up here yet, but I'm  
19 just going to talk to you just -- let it be real. Let  
20 the record note that I'm taking off my "Deny DeLay"  
21 sticker just for a second.

22 Okay. What's going on? Where -- we're  
23 sitting here --

24 UNIDENTIFIED SPEAKER: You've got the  
25 Dean shirt on.

1                   MR. CHRIS FISHER: The Dean shirt on.  
2 But here we are, I mean, I've been here 12 hours, y'all  
3 have been much longer and I'm really happy for that,  
4 but if the Republicans would go up to the rural  
5 districts where the Democrats are that we're trying to  
6 get rid of and would represent the way that they need  
7 to, then they wouldn't be needing to get rid of them  
8 because they would just have the districts because they  
9 are conservative up there. All you have to do is go up  
10 there and just be better. You don't have to change  
11 things. And, you know, I feel like this is all falling  
12 on deaf ears, not that -- that -- I didn't mean that  
13 disrespectfully, but -- okay, and this is just like a  
14 side note. Whenever I spend all those hours, days back  
15 in March protesting the war, I mean, how many of us  
16 were out there? Millions? Oh, we're a special  
17 interest group. I don't want to see you go back and  
18 say that we're a special interest group. Look out in  
19 the audience. There's no special interest group here.  
20 There are just people. You have white, you have black,  
21 you have Latino, you have gay, you have straight, you  
22 have conservative, you have liberal. These are the  
23 people that you represent. Silent majority, if they're  
24 going to be silent, then why are you representing them?  
25 If they are not going to bother to come out here -- I

1 took off work for this. If they're not going to bother  
2 to come out here and tell you what they want, why are  
3 you giving it to them? That is, theoretically, if  
4 there is a silent majority.

5                   So, we are the people telling you here's  
6 what it is. I mean -- I mean, it was actually  
7 refreshing to see some dissent finally -- or some in  
8 favor finally come out of this, because I haven't seen  
9 anything else. And I feel like here we are all trying  
10 to go for the cause that we're going for, but no one is  
11 hearing us and you're representatives, you're supposed  
12 to be representing us. Like we're contacting you,  
13 we're writing you, we're -- well, with Hall. But we're  
14 telling you what we want. If the silent majority isn't  
15 going to drive their golf carts with their polo shirts  
16 down here, then I don't think that they deserve your  
17 voice.

18                   Another -- another thing. Thank you for  
19 being here for 12 hours. And, you know, y'all look  
20 pretty into it, so thank you, because it does make it  
21 feel as though we do have a voice. That's all.

22                   CHAIRMAN DUNCAN: Thank you, Mr. Fisher.  
23 Appreciate your testimony and your presence here today.  
24 Good testimony.

25                   All right. Is there anyone else in the

1 audience who would like to testify for, against, or on  
2 redistricting?

3 UNIDENTIFIED SPEAKER: I would like to  
4 ask all of you to join me in standing and thanking a  
5 fine group of people.

6 CHAIRMAN DUNCAN: Thank you very much.  
7 Appreciate that. The Chair hears no other person that  
8 would like to testify, so the public testimony would be  
9 closed at this point in time. I will say that we'll  
10 certainly be hearing testimony again in Austin and  
11 you're all invited to testify there. We do have some  
12 housekeeping. Before you leave, though, I want to say  
13 on behalf of the Committee and the other members of the  
14 Senate who are here is that I really appreciate their  
15 presence here. This process -- this Committee is made  
16 up of -- and we've had members attend who are both  
17 conservatives and not so conservative, Democrats and  
18 Republican, Hispanics, African-Americans, and in the  
19 Senate I think we try to respect each other's  
20 constituencies and points of view. And this Committee  
21 had worked throughout the State and we have one more  
22 hearing left, regional hearing, but I want to tell you  
23 I've been real proud of the way that they've worked  
24 hard and listened and stayed and worked hard to try to  
25 hear and understand the different points of view around

1 the State. So this Committee is really -- these guys  
2 have really worked hard.

3           The other members who have attended,  
4 Senator Shapiro, thank you for being here today.  
5 Senator Van De Putte. And we have -- our other guys  
6 have gone, but they've been here along the lines,  
7 Senator Wentworth and I just want to thank them for  
8 their teamwork in going around and listening to  
9 testimony and very strong feelings that we heard from  
10 many people of the State of Texas.

11           To the audience I want to brag on the  
12 Dallas audience. You were very articulate. You were  
13 very respectful. You were clear in your testimony and  
14 very orderly and we appreciate it. This has been a  
15 very good hearing. Thank you very much.

16           Members we have a number of cards,  
17 several hundred cards that have indicated -- were  
18 persons who indicated they did not want to testify, but  
19 did want to register their position. I will entertain  
20 a motion to enter those into the record.

21           SENATOR WEST: (Indicating.)

22           CHAIRMAN DUNCAN: Senator West moves that  
23 those cards be entered into the record. The clerk will  
24 call the roll.

25           THE CLERK: Duncan.

1                   CHAIRMAN DUNCAN: Aye.

2                   THE CLERK: Gallegos.

3                   SENATOR GALLEGOS: Aye.

4                   THE CLERK: Averitt.

5                   SENATOR AVERITT: Aye.

6                   THE CLERK: Harris. Staples.

7                   SENATOR STAPLES: Aye.

8                   THE CLERK: West.

9                   SENATOR WEST: Aye.

10                  CHAIRMAN DUNCAN: There being five ayes  
11 and no nays, the names will be entered into the record.

12                  There being no further business to come  
13 before the Committee, we'll stand in recess until  
14 further call of the Chair.

15                  (Proceedings concluded at 2:28 a.m.)

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1 STATE OF TEXAS )

2 COUNTY OF TEXAS )

3 THIS IS TO CERTIFY THAT I, RACHEL D. CHAVEZ, a  
4 Certified Court Reporter in and for the State of Texas,  
5 reported in shorthand the hearing at the time and place  
6 set forth in the caption thereof, and that the above  
7 and foregoing contains a true and correct transcript of  
8 said hearing.

9 This the day of ,  
10 2003.

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RACHEL D. CHAVEZ, Texas CSR 2610  
Expiration Date: 12-31-03

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